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Summary record of the 1512th meeting
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Chair: Ms. Halperin-Kaddari (Vice-Chair)

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In the absence of Ms. Leinarte, Ms. Halperin-Kaddari (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of Montenegro (CEDAW/C/MNE/2; CEDAW/C/MNE/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Zenka** (Montenegro), introducing his country's second periodic report (CEDAW/C/MNE/2), said that Montenegro was the only country of former Yugoslavia that had managed to avoid the war in the Balkans and preserve interreligious and inter-ethnic harmony. Upon gaining its independence in 2006, Montenegro had set two main foreign policy priorities: to join the North Atlantic Treaty Organization (NATO) and the European Union. Its membership of NATO attested to the progress it had made in the area of the rule of law and the protection of human rights. As a candidate country for membership of the European Union, it attached great importance to fundamental rights, freedom, justice and security.

3. Montenegro was developing an integrated national mechanism to monitor the implementation of the recommendations issued by the United Nations human rights bodies. The Government's diplomatic activities in the field of human rights were centred on promoting accountability for the protection of human rights, underlining the importance of intercultural and interreligious dialogue, preventing discrimination, protecting vulnerable groups, empowering women and girls and protecting freedom of opinion and expression. The text of the Convention on the Elimination of All Forms of Discrimination against Women was available on the website of the Ministry of Human and Minority Rights in both English and Montenegrin.

4. Since submitting its initial report (CEDAW/C/MNE/1), Montenegro had taken steps to improve its legislative and institutional framework for the protection and promotion of human rights. Recent developments included the alignment of the Law on the Prohibition of Discrimination with European legislation in June 2017 and the amendment of the Law on Gender Equality, the Law on the Protector of Human Rights and Freedoms and Montenegrin electoral legislation. However, there was evidence to suggest that many women, Roma, lesbian, gay, bisexual and transgender (LGBT) persons, persons with disabilities and older persons were still marginalized. There was still a need to strengthen the capacity of the country's anti-discrimination institutions and to increase their resources to ensure their effective functioning. The key problems in that area included the insufficient integration of a gender perspective into development policies and inadequate administrative capacity for conducting gender equality-related activities. The Government, in cooperation with various international organizations, conducted continuous training as a means of addressing those challenges.

5. As yet, there was no mechanism in place to monitor and assess compliance with human rights and gender equality standards. However, one of the goals of the new National Action Plan for Gender Equality 2017-2021 was to mainstream gender equality into all policies at the local and national levels. The Government was devoting significant efforts to eliminating discrimination against women, primarily in the economic and political spheres, and to preventing and combating gender-based violence. The strategies adopted to reduce discrimination against vulnerable groups included the strategy for protection against domestic violence for the period 2016-2020 and the strategy for the development of female entrepreneurship for the period 2015-2020.

6. The Government was working to create a legal and political framework capable of providing an adequate response to violence against women and domestic violence, which remained priority issues. An effective and sustainable system for the protection of victims of domestic violence had been established and sustainable measures to combat that phenomenon had been adopted. Efforts to raise public awareness of domestic violence had

led to a significant increase in the number of cases being reported between 2009 and 2014 and pointed to greater public trust in State institutions.

7. The Government attached great importance to the role played by non-governmental organizations (NGOs) in implementing the Convention, and held regular meetings with NGOs working in the fields of gender equality, gender-based and domestic violence, and women's economic empowerment. The Ministry of Human and Minority Rights had completed its annual analysis of the National Action Plan for Gender Equality 2013-2017, which was part of its programme for accession to the European Union. The aim of the analysis was to assess the relevance, efficiency, sustainability and impact of the activities provided for in the strategic documents, identify good and bad practices and provide input for a new strategic document. The analysis showed that Montenegro had made significant strides in the field of gender equality and in aligning its domestic legislation with that of the European Union and the Council of Europe. In the coming period, priority would be given to implementing and raising awareness of legislation and public policies to promote gender equality, tolerance and non-discrimination at the national level. At the local level, cooperation agreements on gender equality had been concluded with all 23 municipalities and the existing network of gender coordinators had been further expanded. To date, 16 municipalities had already adopted gender equality decrees, 12 had established gender equality councils, 11 had adopted local action plans and 7 had earmarked budgetary resources for their implementation. More than 1,700 local government employees had received gender equality training since 2012.

8. The National Council for Gender Equality had been established in October 2016 as an advisory body on matters related to the implementation of gender equality policy at the local and national levels. Its membership included four NGO representatives. The Council had established eight committees to discuss specific gender equality issues.

9. The Government had identified three priority areas: promoting the political participation of women, combating violence against women and promoting women's economic empowerment. The reforms of the electoral system carried out between 2011 and 2014 had served to increase women's political activism. The introduction of 30 per cent quotas for women and penalties for non-compliance in Montenegrin electoral legislation had caused female representation in local elections to grow to 26 per cent and to over 30 per cent in some municipalities. Following the parliamentary elections in October 2016, female representation had grown to around 23 per cent, which was the best result achieved in the history of the Montenegrin Parliament. In the newly formed Government, female representation stood at 21.5 per cent.

10. In recent years, the Government had made significant progress in preventing and eliminating violence against women and in guaranteeing their access to justice, particularly in the areas of awareness-raising and legislation. A recent report on the implementation of the Law on Protection from Family Violence presented results from 2010 to 2015 and included recommendations aimed at further improving protection against domestic violence. Montenegro had been among the first five States to sign the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and had submitted a report on its implementation to the Council of Europe in 2017. At the beginning of 2017, Montenegro had adopted a national plan for the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security, in which it had pledged to incorporate a gender perspective into its security systems.

11. Several institutions had been working to promote the economic empowerment of women on an ongoing basis, given its importance as a development component. The Employment Agency of Montenegro had taken measures to increase women's involvement in employment programmes and training and, in turn, their participation in the labour market. A self-employment programme designed to assist unemployed persons by providing them with financial and professional support offered favourable conditions for women, including a lower interest rate. The Investment Development Fund of Montenegro offered lines of credit to women to encourage them to start or continue their own business. The Fund had invested in 38 projects so far. The European Commission Instrument for Pre-Accession Assistance (IPA) project to support anti-discrimination and gender equality policies, which was carried out by the Ministry of Human and Minority Rights in

cooperation with the United Nations Development Programme (UNDP), had funded continuous education and training activities for women from Nikšić and the capital. Montenegro had also become a member of the Equal Futures Partnership, a multilateral initiative designed to encourage member countries to empower women economically and politically at the global and national levels.

12. Montenegro had made significant progress in aligning its laws and practices with those of the European Union. It would continue to advance policies to protect human rights and foster tolerance and to promote global dialogue by cooperating with other countries in the fight against all forms of discrimination and human rights violations.

Articles 1 to 6

13. **The Chair**, speaking in her capacity as an expert, said that Montenegro was to be congratulated on having adopted a number of key international human rights standards, as well as numerous laws and programmes to combat different forms of discrimination against women. The Committee also noted the significance of the State party's candidacy for membership of the European Union and the strides it had made in the field of women's rights and gender equality as part of the pre-accession process. However, the inadequacy of the mechanisms in place to support the implementation of those standards, laws and programmes and the lack of State funding for that purpose were a serious cause for concern. She did, however, welcome the State party's willingness to recognize its shortcomings.

14. Noting that the State party had failed to provide the Committee with a copy of the amended Law on Gender Equality, she asked whether it contained a comprehensive definition of discrimination, covering direct and indirect as well as multiple discrimination, and of equality. She also wished to know whether the Law provided victims of intersectional or multiple discrimination, who were most often women belonging to vulnerable groups, with the possibility of taking legal action. It would be useful to know whether the Law made specific reference to sexual orientation and gender identity. She asked whether the Law on the Prohibition of Discrimination expressly prohibited gender-based discrimination and made reference to LGBT persons.

15. It was her understanding that, under the State party's monist legal system, the Convention was directly applicable in the national territory. She had therefore been surprised to learn that no cases of gender-based discrimination had been brought during the period between the submission of the State party's report and the end of 2016 and that cases in which Montenegrin judges referred to the provisions of the Convention were not recorded, which pointed to a general lack of awareness of the Convention and the limited impact of any training dispensed. She asked how the State party went about assessing the impact of the training dispensed to members of the judiciary and other public officials.

16. According to the State party's report, the low number of complaints of gender-based discrimination lodged between 2011 and 2015 was likely attributable to the existence of two legal mechanisms for protection and redress prior to the amendment of the Law on Gender Equality, namely the Protector of Human Rights and Freedoms and the Ministry of Human and Minority Rights. She asked whether the number of complaints lodged with the Protector had risen since the amendment of the Law. She would also be interested to know whether the Committee's previous concluding observations (CEDAW/C/MNE/CO/1) had been translated into Montenegrin and made available to the public and to all ministries. The small number of women availing themselves of legal aid was perhaps indicative of a lack of awareness of their rights. The delegation might comment on the accuracy of that observation.

17. **Ms. Pejović** (Montenegro) said that the amended Law on Gender Equality established additional offences, prescribed penalties for perpetrators of gender-based discrimination and clarified the obligation of legal entities to comply with the Law's provisions and to apply gender equality principles. The Law contained an expanded definition of gender equality covering men, women and persons of diverse gender identity. Companies and entrepreneurs were likewise required to adhere to gender equality principles. The Law also provided that the office of the Protector of Human Rights and Freedoms alone was the body competent to deal with cases of direct or indirect gender-based

discrimination, having taken over the functions hitherto discharged by the Ministry of Human and Minority Rights. The Law on the Prohibition of Discrimination and the Committee's previous concluding observations were available on the website of the Ministry of Human and Minority Rights. The Law contained a definition of discrimination which was fully in line with article 1 of the Convention.

18. The amendments to the Law on Gender Equality had brought it into line with European Union Directives on gender equality and covered discrimination based on sexual orientation and gender identity. The Law included harassment and incitement to discrimination in the definition of sex-based discrimination and established mandatory training for staff in various sectors. The Protector of Human Rights and Freedoms was competent to receive complaints of discrimination, which had increased in number over recent years.

19. **Ms. Bandović** said that the Law on Free Legal Aid had been adopted in 2012 and revised in 2015. Under that Law, all citizens were entitled to legal remedy and specific redress was provided for women victims of violence and trafficking. Between 2014 and 2016, the courts had received 88 requests for legal aid from women seeking redress for violence, trafficking or similar offences; 83 of the requests had been granted. The new Strategy for Reform of the Judiciary set out guidelines to increase transparency in the judiciary and expand legal aid. In addition, a brochure had been published by the Association of Judges, available on the courts' websites, and media campaigns on the subject had been launched.

20. **Ms. Radošević-Marović** said that the 2014 Law on Anti-discrimination prohibited discrimination based on gender identity. A recent amendment to that Law extended coverage to intersex persons and provided for means-tested fines for discrimination, which had a deterrent effect. The Law designated the Protector of Human Rights and Freedoms as the national mechanism for protection against discrimination and set out the procedures to be taken by the Protector in discrimination cases. The Protector was competent to deal with cases relating to individuals, not only legal entities, and to instigate court proceedings and come before the court in cases relating to individuals. In 2016, the Protector had received around 150 cases, which was a dramatic increase on the previous year, when just over 80 complaints had been lodged. Other measures to combat discrimination included awareness-raising with regard to negative stereotypes, training for the police and the judiciary, and media campaigns on victim protection. With regard to LGBT persons, the Government was conducting surveys to monitor discrimination in the country, the Strategy for Improving the Quality of Life of LGBT Persons had been adopted in 2013, and statistics were available online concerning prosecutions of cases of discrimination against LGBT persons. In four recent cases, prison sentences had been handed down to the offenders. Owing to a greater trust in the authorities from the LGBT community, there had been an increase in the number of reports of discrimination against LGBT persons.

21. **Ms. Manalo** said that, particularly in view of the upcoming accession of Montenegro to the European Union, the State party should compile gender-disaggregated statistics. She asked for information on the gender equality index, including on whether it included sex-disaggregated data to measure improvements in gender equality and the status of women in all the State party's national and local programmes.

22. **The Chair**, speaking in her capacity as an expert, asked whether the cases handled by the Protector of Human Rights and Freedoms were categorized according to the specific legal provisions on which they were based. She asked whether transgender persons were still required by law to undergo procedures, such as sterilization, prior to obtaining legal gender recognition and changing sex markers in official documentation. She requested further information on the case of a transgender woman who, despite the legal provision allowing transgender persons to choose their names, had been denied that possibility and obliged to choose a gender-neutral name. She would also like to hear the delegation's comments on reports that recently adopted Government proposals limited the organization and financing of NGOs.

23. **Ms. Pejović** (Montenegro) said that under the Law on Gender Equality, all public bodies were required to collect gender-disaggregated data and were subject to a fine if they

failed to comply. The Ministry of Human and Minority Rights and the Statistical Office of Montenegro published a brochure every two years giving a picture of gender equality in the country, and had signed a memorandum of cooperation on the gender equality index. The index measured equality in areas such as skills, money and health. Information based on the index would be compiled and published further to receiving data from Eurostat by the end of 2017.

24. **Ms. Radošević-Marović** (Montenegro) said that the Protector of Human Rights and Freedoms kept statistical records on cases involving all forms of discrimination against women. The case of the transgender woman who had been denied the possibility of choosing her own name was an exceptional example of a breach of the law; in other cases, the courts had ruled in favour of the claimants.

25. **Ms. Klikovac** (Montenegro) said that the gender reassignment protocol, which had been in force since 2014, was in line with national legislation on medical criteria for sex reassignment. The Law on Health Protection also provided for gender identity issues. Medical procedures for gender reassignments were initiated by family doctors and carried out by specialist and plastic surgeons. Minors under 16 years of age were not entitled to apply for treatment; persons between 16 and 18 years of age could apply with the consent of a parent or proxy. The State funded 80 per cent of any given gender reassignment procedure, with the patient paying the rest. The Ministry of Health had signed a memorandum of cooperation with NGOs working in the area of LGBT rights, which had not contested the protocol. To date, there had been official recognition of one transgender person in the State party.

26. **Ms. Radošević-Marović** (Montenegro) said that following the adoption of legislation governing the financing of NGOs, a centralized financing model had been put in place for allocating resources from national and local budgets. The new registration procedures for NGOs had resulted in a decrease in registrations, which had previously reached 15,000. It was hoped that new regulations to be adopted shortly would remedy that situation.

27. **Ms. Leinarte** asked whether sufficient financial resources were in place to give effect to the action plans and other measures under the gender equality policies at the local level. She asked what the role of the National Council for Gender Equality was in relation to the national framework on gender equality and the Ministry of Human and Minority Rights, and how it was funded. She requested more information on gender budgeting in the State party and on the withdrawal from the labour market of many thousands of women following regulatory changes to the welfare system which offered benefits for women who stayed at home. She would like information on the parliamentary committee for gender equality. Did it function as a women's parliamentary group, which was effective in producing changes from a gender perspective, raising awareness and enforcing gender equality policies?

28. **Ms. Pejović** (Montenegro) said that memorandums of understanding had been signed with all 23 municipalities in the State party to implement gender equality policies and coordinate the development of gender equality mechanisms at local government level. Assessments of the work based on those memorandums had been carried out by an external evaluator, whose final report, compiled with the support of the Organization for Security and Cooperation in Europe (OSCE) mission to Montenegro, would be published shortly. Decisions and local action plans on gender equality were in place in numerous municipalities, including in the capital, which was home to half of the national population. Training was being further developed for the coordinators for gender equality in the municipalities and a seminar on gender budgeting had been held in 2017. The Ministry of Human and Minority Rights and the OSCE mission provided financial support for the development and implementation of local action plans. Continuous training on gender equality had been provided to around 1,700 local government officials between 2012 and 2017. Municipal budget allocations for the local action plans were increasing year on year, and 7 of the 23 municipalities currently had available funds for the implementation of those plans. The Law on Gender Equality required all public authorities to adopt a gender perspective in decision-making processes, with the aim of mainstreaming gender equality and equal opportunities in all strategies and measures at the local and national levels. Those

actions would be assessed within the framework of the evaluation of the National Action Plan for Gender Equality 2017-2021. The outcomes of the 2013-2017 National Action Plan had been subject to a wide-ranging external assessment, covering data, the legislative and institutional framework, cost and impact, in cooperation with UNDP and the IPA II project on support for anti-discriminatory and gender equality policies, and with the involvement of all stakeholders. The assessment had shown that while national legislation was aligned with international obligations, there were obstacles to its effective implementation.

29. The National Council for Gender Equality was a newly created advisory body whose members comprised representatives of State institutions and NGOs. Its role was to analyse rules and regulations from a gender perspective, including through thematic working groups. Members of the Council did not receive any remuneration.

30. **Ms. Nadaraia** said that, in view of the fact that women now accounted for 23 per cent of members of parliament, she wished to know whether the State party intended to amend the legislation to introduce gender quotas of 40 per cent at both local and national levels of administration. She also wondered whether the State party planned to conduct awareness-raising campaigns to promote the use of temporary special measures in other areas of life where women were underrepresented or disadvantaged or faced major discrimination. Similarly, she would like to know whether any temporary special measures were envisaged for vulnerable groups of women, such as rural women, women with disabilities and Roma and Egyptian women. Lastly, she asked how many women had benefited from the interest-free loans of the Investment Development Fund.

31. **Ms. Pejović** (Montenegro) said it was true that changes to the electoral law in 2014 had helped increase the proportion of women in parliament. Moreover, in some municipal governments the 30 per cent gender quota had already been met, which was a major step forward for Montenegro. In that light, the Government had now set itself a target of achieving a gender quota of 40 per cent by 2020. Further amendments to the electoral law were in the pipeline, as were campaigns to increase women's participation at all political levels. Efforts to ensure that the process of nominating judges was more gender-sensitive had also been successful; several women were now occupying high-level positions, including the presidency of the Supreme Court.

32. A number of measures had been included in national strategies and plans with a view to promoting equal opportunities and fostering women's participation in areas of life in which they were underrepresented. For example, the 2015 strategy for the development of women entrepreneurship contained measures and incentives designed to encourage women's economic empowerment. Awareness-raising and training had been conducted in that regard in cooperation with UNDP and the European Commission. The Investment Development Fund, which provided start-up and business-improvement loans at interest-free rates, had only been established in 2017 and thus no data were currently available on the number of women who had benefited from interest-free loans.

33. **Ms. Racković** (Montenegro) said that, with the aim of supporting agricultural production, the Ministry of Agriculture and Rural Development had put in place around 40 different support measures, many of which had a direct impact on women. The current budget for those measures was €31 million, up by 40 per cent from the previous year. Additional funding was also available through an IPA project. Since 2013, hundreds of projects, including projects headed up by women, had successfully applied for grants under those support measures. In fact, the points-based application process awarded extra points to applications from women.

34. **Ms. Filipović** (Montenegro) said that the Gender Equality Committee was one of 14 parliamentary committees and comprised men and women parliamentarians alike. There was also a group for women parliamentarians in which all women members of parliament were actively involved, irrespective of their political party.

35. Regarding women in business, in addition to the Investment Development Fund, local governments also offered loans and grants to women's enterprises. Such initiatives were particularly important because one of the greatest obstacles to women's entrepreneurship was the fact that they did not own property and thus could not provide any collateral in order to take out bank loans.

36. **Mr. Bergby**, referring to an April 2017 decision of the Constitutional Court in which the amendments to the Law on Social and Child Protection had been ruled unconstitutional, said that he would welcome an update on the current state of play, since upwards of 15,000 women had taken up the so-called lifetime benefits for mothers of three or more children introduced by those amendments. In particular, he wished to know how the Government intended to help reintegrate into the labour market the estimated 5,000 women who had left formal employment to claim those benefits. Moreover, in the light of the Court's decision, he wondered whether the State party intended to ensure that gender impact assessments of legislation were conducted in future.

37. **Ms. Leinarte** said that she would be interested to know what had prompted the Government to introduce the lifetime benefits in the first place.

38. She wondered whether any measures were in place to assess why so many of the complaints of gender-based discrimination received by the Protector of Human Rights and Freedoms during the period 2011-2015 had been dismissed.

39. **Mr. Ratković** (Montenegro), giving an overview of the amendments made to the Law on Social and Child Protection, said that the lifetime benefit had initially been envisaged to provide up to €15 million in support to an estimated 5,000 mothers who had three or more children and who had been employed or registered as unemployed for 15 years. However, since the introduction of the benefit on 1 January 2016, some 22,000 women had applied for it; many of them had deferred their pension payments, given up their unemployment benefits or left the labour market in order to be eligible. The fiscal burden had been enormous: in just one year, the cost to the State of paying the lifetime benefit had reached almost €70 million, exceeding the €63 million allocated to all other social welfare benefits combined. Notwithstanding the decision of the Constitutional Court, it was clear that the initiative was not only ill conceived but also unsustainable. Moreover, it represented a retrograde step in terms of the advancement of women. The Government was now taking all possible steps to ensure that no woman would be left worse off as a result of the withdrawal of the benefit. For example, retired women or women registered as unemployed would have their pension payments or unemployment benefits reinstated. Women who had left formal employment would be entitled to monthly payments, calculated on the basis of the salary they had earned in the three months prior to leaving employment, for a specified period of time while they looked for work.

40. **Mr. Zenka** (Montenegro) said that, although well intentioned, the introduction of the lifetime benefit for women had proved to be a costly mistake. As a consequence, many thousands of women at peak working age had left the labour market, while other women in vulnerable situations had not even been eligible to apply. The Government had recognized its mistake and was now working hard to mitigate the consequences of the error and its impact on the labour market.

41. **Ms. Radošević-Marović** (Montenegro) said that, while the office of the Protector of Human Rights and Freedoms was an independent institution, it did submit reports to parliament on cases of discrimination handled not only by itself but also by the police, the courts and the labour inspectorates. The Protector's report therefore almost served as a database of discrimination cases. According to the report, there had not been any cases of gender-based discrimination before the courts, which might be explained by the fact that the indicators only covered discrimination based on gender identity rather than on sex.

42. **Ms. Manalo** said that she wished to know what specific measures were being taken by the State party to tackle the patriarchal attitudes, traditional gender roles and "cult of motherhood" that were still so prevalent in Montenegrin society. She would be interested to know what funding had been allocated to implement the National Action Plan for Gender Equality 2013-2017, which institutions were responsible for its implementation, and what results and obstacles had been identified by the relevant monitoring body.

43. She asked what action had been taken or was envisaged to amend or repeal the various discriminatory provisions in force that favoured boys over girls, such as the fact that daughters could not inherit or the increasing popularity of sex-selective abortions. She would like to know whether any legislation was in place to prohibit sexual harassment in the workplace. Lastly, referring to paragraphs 22 to 25 of the replies to the list of issues, she

would be interested to know the results of the various initiatives to address negative stereotypes.

44. **Ms. Gabr** said that the Government of Montenegro was to be commended for identifying violence against women as one of its priority issues in the area of gender equality and for implementing a strategy to tackle domestic violence, addressing the issue of gender stereotyping, monitoring implementation of the Law on Protection from Domestic Violence, adopting amendments to family law to prohibit all forms of violence against children, and adopting the Istanbul protocol. She was also pleased to note that public awareness of the problem of domestic violence was growing.

45. The Committee wished to know why the Criminal Code had not yet been amended to make lack of consent the prime consideration in the definition of rape; what mechanisms were in place to assist victims of violence; whether the Government planned to set up shelters for victims; and what steps were being taken to ensure that domestic violence was not seen merely as a private matter, especially in the Roma and Egyptian communities. The Committee would welcome further information on the strategy on protection from family violence mentioned in the State party report.

46. Noting that the sentences handed down in cases of domestic violence appeared to be excessively lenient, she asked what plans were in place to ensure that those working in the justice system took the question of domestic violence seriously. Lastly, she asked what measures were being taken to ensure that the language barrier did not prevent ethnic minority victims of violence from accessing justice, whether the Government intended to support the services provided by NGOs and what measures were being taken to ensure that court decisions on payment of child support were implemented.

47. **Ms. Haidar** said that the State party was to be commended on its efforts to tackle the problem of trafficking in persons, which included subsidizing shelters run by NGOs, establishing the Office for Fighting Trafficking in Human Beings, adopting an action plan to implement anti-trafficking strategies, stepping up cooperation with foreign Governments and reaching an agreement with the Governments of Albania and Kosovo to adopt uniform strategies for identifying and supporting victims of trafficking. However, she was concerned about reports that the Government of Montenegro did not meet minimum international standards on combating human trafficking as, for the second consecutive year, it had failed to convict any individuals of that crime and had tried several potential cases of trafficking as lesser crimes. Fewer victims of trafficking, and no victims of sex trafficking, had been identified, which meant that victims were not receiving compensation. Noting that women and girl members of the Roma Ashkali and Egyptian communities were particularly vulnerable to trafficking, she asked what measures were being taken to address the gap between anti-trafficking legislation and policies and their implementation. She asked whether civil society organizations and the media would be involved in plans to raise public awareness of the problem of human trafficking; whether law enforcement officers would be trained to identify and protect victims of trafficking; what steps were being taken to increase the screening of potential victims of trafficking, especially children engaged in begging and women working as prostitutes; and whether victims of trafficking were able to participate in prosecutions in a manner that did not expose them to any risk. The Committee would welcome further information on the number and location of shelters for victims of trafficking.

48. The Committee wished to know whether the Government had any information on the extent of prostitution in Montenegro and whether the growing tourism industry increased the demand for prostitutes. It would also welcome information on the number of women who had been convicted of prostitution, the number of men who had been convicted of pimping and the sentences they had received. She asked whether measures were being taken to enable women engaged in prostitution to find alternative livelihoods and whether they had access to health-care and social services. She was concerned that certain traffickers had received excessively lenient sentences because they had been charged with brokering in prostitution, in one case, and migrant smuggling, in another. She also expressed concern over the impact on future cases of the Government's failure to investigate accusations of involvement in trafficking made against a high-level official. What steps would be taken to ensure that perpetrators of the crime of trafficking and

exploitation would be investigated, prosecuted and convicted in accordance with article 444 of the Criminal Code and international standards?

49. **Ms. Klikovac** (Montenegro) said that women were no longer discriminated against in relation to the ownership and inheritance of property.

50. The 2009 law on abortion stipulated the conditions under which abortions could be performed and prohibited sex-selective abortions.

51. Access to health-care services was available to women engaged in prostitution who were Montenegrin nationals or nationals of States with which the Government had established agreements on social insurance. Nationals of other States who were in Montenegro on a temporary basis were entitled to receive emergency health care, for which the health authorities in their country of origin would be invoiced. The Public Health Institute and other health-care providers made HIV-testing available to women engaged in prostitution.

52. **Mr. Kuševija** (Montenegro) said that plans were in place to ensure that, in accordance with the Law on Social and Child Protection, NGOs which ran shelters for women victims of violence were able to become licensed, State-funded providers of the services in question. The system would be regulated to ensure that no victim could be admitted to, or leave, a shelter without the consent of a social work centre. The State already contributed to the running costs of shelters provided by the local authorities in Podgorica and Nikšić.

53. In cases involving the provision of child support to single mothers, the social work centres assessed the available evidence, including any decisions handed down by the courts. Single mothers who had initiated court proceedings because the father of their child had failed to pay child support were entitled to receive financial support from the State.

54. **Ms. Pejović** (Montenegro) said that the Ministry of Human and Minority Rights continuously implemented educational and training activities aimed at addressing and overcoming gender stereotypes. The Ministry published brochures and leaflets, in Montenegrin and Albanian, which addressed discriminatory attitudes towards women belonging to ethnic minorities and women facing intersectional discrimination. One such leaflet, published in the Roma language and in Albanian in 2015, contained details of how women victims of domestic violence could obtain assistance and protection. In 2016, a television spot intended to draw attention to the link between gender stereotyping and gender-based violence had been broadcast in Montenegrin, Albanian and English on 12 television stations. Efforts were made to ensure that the media took the principle of gender equality into account in their programming. The "Gender Mirror" initiative had been established to assess media depictions of women, which were often unsatisfactory in that they upheld traditional gender stereotypes. A European Union-funded study, conducted in conjunction with UNDP, had found that some journalists were not sensitive to the issue of gender equality and that women were underrepresented in the media, particularly in sports programmes. However, sections of the media, led by the public broadcaster, were paying increasing attention to the notion of gender equality. For example, a television spot dealing with the economic empowerment of women had been broadcast to encourage women to become involved in entrepreneurial activities.

55. **Ms. Bandović** (Montenegro) said that, in handing down sentences to people traffickers, the courts were obliged to remain within the limits established by the Code of Criminal Procedure and the Criminal Code. While it was true that such sentences were often lenient, judges had recently been advised to hand down heavier sentences, in an effort to deter potential perpetrators from committing offences and encourage women to bring cases before the courts.

56. **Ms. Ivanović-Derić** (Montenegro) said that a workshop on trafficking had recently been organized by the Office for Fighting Trafficking in Human Beings, in conjunction with OSCE, to draft guidelines on impunity in cases of trafficking in persons, in compliance with article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings.

57. **Ms. Đonaj** (Montenegro) said that trafficking in persons, which was usually linked to sexual exploitation, had been sanctioned as the most extreme form of exploitation. In 2016, the police had recorded two cases of mediation in prostitution. The criminal investigation police had a special unit to fight organized crime and corruption and a specialized group to fight trafficking in persons and illegal migration. The Police Directorate had established an anti-trafficking plan and had put in place methods for identifying victims, potential victims and trafficking hotspots. The Government received support from other countries in its efforts to combat trafficking in persons. Organized sexual exploitation, which increased in the summer months, was usually associated with nightclubs. There had been one case of mediation in prostitution in 2013, five cases in 2014 and two cases in 2015. Individuals who engaged in mediation and prostitution tended to operate on their own rather than in the organized gangs that were the main target of criminal investigations.

58. **Ms. Pejović** (Montenegro) said that shelters were available for victims of trafficking.

59. **Mr. Gjokaj** (Montenegro) said that the Ministry of Human and Minority Rights, in accordance with the "Roma Integration 2020" strategy, cooperated with Roma NGOs and the Roma Council to enable Roma to integrate fully in society while preserving their own cultural characteristics. Efforts had been made to register members of the Roma community and a strategic document on the integration of that community had been adopted. The integration of the Roma and Egyptian communities had been monitored and evaluated and efforts would be made to eliminate the stereotyping of those communities and to prevent violence against Roma women. The Centre for Roma Initiatives campaigned to end arranged marriages, forced marriages and child marriages. Together with the Ministry of the Interior, the Office for Fighting Trafficking in Human Beings and municipalities with significant populations of Roma, the Ministry of Human and Minority Rights had taken steps to combat domestic violence, forced marriage and child marriage. Parents, activists and representatives of local governments had been trained and issued with brochures published in the Montenegrin, Albanian and Roma languages. Efforts were made to ensure that Roma children were enrolled in the education system, as educated persons were better able to defend and uphold their rights. Equal numbers of Roma boys and girls were enrolled in schools and universities.

60. **Ms. Gabr** asked whether a hotline was available to victims of violence and what measures were being taken to ensure that legal aid was being used effectively.

61. **Ms. Haidar** said that, although the State party had made significant efforts to tackle trafficking in women and the exploitation of prostitution, she was concerned to note that the Committee had received no information on court cases involving those offences.

62. **Ms. Leinarte** said that she was concerned to note that certain legal provisions made it possible for child marriage to be used as a cover for the crime of trafficking in persons. Noting that, according to the State party report, victims of trafficking had 90 days in which to decide whether or not they wished to cooperate with the police, she asked whether protection would still be available to those victims who decided not to do so. Lastly, she asked whether the delegation was aware that the majority of women engaged in prostitution, particularly among the Roma community, were driven to do so by economic hardship, drug dependency and a lack of education.

The meeting rose at 1.05 p.m.

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Sixty-seventh session

Summary record of the 1513th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 11 July 2017, at 3 p.m.

Chair: Ms. Halperin-Kaddari (Vice-Chair)

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Second periodic report of Montenegro (*continued*)

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In the absence of Ms. Leinarte, Ms. Halperin-Kaddari (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of Montenegro (*continued*) (CEDAW/C/MNE/2; CEDAW/C/MNE/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

Articles 1 to 6 (*continued*)

2. **Mr. Kuševija** (Montenegro) said that the Government had identified the need to develop services for women and child victims of domestic violence in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). The Ministry of Labour and Social Welfare funded an SOS hotline that had received 3,384 complaints of domestic violence in 2016, while social work centres provided advisory and therapeutic services, psychological support and legal aid for victims. The Strategy for Protection from Domestic Violence had been adopted in 2016 with five goals, namely: to harmonize national legislation with the Istanbul Convention; to enhance the professional skills of the multidisciplinary teams operating in social work centres; to increase public awareness of violence against women and domestic violence; to increase institutional protection for the victims of domestic violence; and to improve access to justice and legal protection against domestic violence. The Government was monitoring the implementation of the Strategy and aimed to introduce new services through amendments to the Law on Social and Child Protection, which would allow the Ministry of Labour and Social Welfare to grant licences to service providers.

3. **Ms. Pejović** (Montenegro) said that the Government was engaged in various initiatives to achieve gender equality, including education and awareness campaigns, and to prevent gender-based violence. The findings of a survey conducted into the institutional response to domestic violence would be published shortly. Preliminary results indicated that 42 per cent of women had experienced some form of violence at the hands of a husband or partner at some point in their lives, while 18 per cent had experienced it during the previous 12 months. Fifty per cent of respondents believed that violence should not necessarily be reported but could be resolved within the family, while 67 per cent believed that reporting violence was not always advisable because it might result in divorce. Nevertheless, intensive awareness-raising efforts since 2006 meant that domestic violence was increasingly viewed as a social problem that ought to be reported and addressed. The Ministry of Labour and Social Welfare had established an interdisciplinary approach to tackling domestic violence and had taken steps to build the capacity of social work centres. In line with its commitments under the Istanbul Convention, the Government had set up a coordination body and had submitted a report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which was scheduled to visit Montenegro in October 2017.

4. With regard to women's empowerment, the Government had implemented education and support programmes as part of the Strategy for the Development of Women's Entrepreneurship and was providing various types of training for over 120 women from the municipalities of Podgorica and Nikšić under a project in the framework of the Instrument for Pre-Accession Assistance of the European Union. The Government also planned to assist women in developing business plans so that they could start up their own companies.

5. **Ms. Ivanović-Derić** (Montenegro) said that an amendment to redefine the offence of rape under article 204 (2) of the Criminal Code, in respect of its provisions on threats, would shortly enter into force. Stiffer sentences had been introduced for the criminal offence of mediation in prostitution; fines had been replaced with prison sentences lasting from 3 months to 2 years, and the offence was punishable by up to 10 years' imprisonment when committed against a minor. Abuses committed against persons engaging in sexual activities for reward or recompense had been categorized as an offence, regardless of

whether the reward was in fact given, and new criminal provisions had been introduced in respect of mutilation, forced sterilization and stalking. Although no cases of human trafficking had been reported since 2014, the Supreme State Prosecutor's Office had reported several convictions for mediation in prostitution, which was a similar offence.

6. **Ms. Bandović** (Montenegro) said that no lawsuits had been brought by women for discriminatory acts based on gender. However, several cases of serious violence against women, including murder and grievous bodily harm, had come before the courts in the previous three years. The courts collected statistical data on the total number of criminal offences, types of offence, sentences handed down and the proportion of convictions and acquittals, which would be made available to the Committee in the 48 hours after the meeting.

7. **Ms. Radoičić-Marović** (Montenegro) said that the delegation would also inform the Committee in writing of the measures contained in the Strategy for Protection from Domestic Violence, as well as those taken by the Ministry of Justice to improve the provision of free legal aid to victims of domestic violence.

8. **Mr. Gjokaj** (Montenegro) said that there had been 46 cases of extramarital community with a minor in 2012 and 2013 and that more details would be provided in writing.

Articles 7 to 9

9. **Ms. Nadaraia** said that she would be interested to know whether any measures were being taken to encourage political parties to promote women to senior positions and to raise the profile of female candidates during election campaigns. Although the increase in the number of women in decision-making positions in politics and public administration was salutary, it was unclear whether adequate funding was allocated to the campaigns of women candidates and the education of young women leaders. Details should be provided on efforts to strengthen the capacity of the institutions concerned to effectively implement gender equality policies.

10. The Committee would also be grateful for information on strategies to eliminate stereotypes pertaining to the role of women in society, which might include monitoring the language used by the media and public institutions. Did the State party collect specific data on sexism in politics in order to better understand and combat the problem?

11. Although women accounted for 43 per cent of diplomatic and consular staff, only 17 per cent were ambassadors and counsellors; she wondered whether the steps taken to increase women's participation in politics had had any impact on their representation in the diplomatic service. Lastly, she would welcome information on women's participation in the judiciary and other areas of public life.

12. **Mr. Zenka** (Montenegro) said that most political parties had a women's forum and that Montenegrin women continued to increase their presence in the diplomatic service, with a female ambassador having recently been appointed to the embassy in Rome. Women played a prominent role in government, while political parties' internal rules stipulated that 30 per cent of candidates must be women and that any woman leaving the party must be replaced by a woman. The principle that 30 per cent of members of parliament should be female was enshrined in law, although in fact the goal was to attain a figure of 40 per cent.

13. **Ms. Pejović** (Montenegro) said that the Government had worked hard to increase the political representation of women and had implemented an empowerment project under the Instrument for Pre-Accession Assistance to develop women's political capacities and improve their leadership skills so that they could build a career in politics. The work undertaken with parliamentary parties in 2016 had been complemented in 2017 by training seminars and advanced courses that had been attended by 200 representatives of political parties, including certified trainers who worked on gender equality issues. Women activists had influenced some of the recent amendments to the Criminal Code. Meanwhile, the Government had produced a study on political parties' gender sensitivity that focused on women's experience of political participation since independence.

14. **Ms. Gabr**, supported by **Ms. Leinarte**, said that she was concerned about reports of problems in access to birth registration and wished to know what solutions were proposed. Although Montenegro permitted the acquisition of citizenship through naturalization and did not discriminate against women or their children in that regard, it was unclear whether foreign women married to Montenegrin men were able to obtain citizenship for children from previous marriages. The State party was to be commended for granting residency to asylum seekers; however, she wondered whether the Strategy for Improving the Position of Roma and Egyptians 2012-2016 had yielded positive outcomes that allowed those groups to live normal lives.

15. **Ms. Đonaj** (Montenegro) said that since children from the Roma, Ashkali and Egyptian communities were not always born in medical institutions, the Law on Civil Procedure had been amended to simplify late registration procedures. The Law stipulated that the regional office of the Ministry of the Interior would instigate the procedure, which should take no longer than 30 days. Between 2008 and 2017, approximately 30,000 persons, including over 1,000 displaced persons, had legally obtained Montenegrin citizenship. The Ministry of the Interior was responsible for maintaining public records on an electronic register.

16. **Mr. Kuševija** (Montenegro) said that the amendments to the Law on Social And Child Protection ensured that the rights enshrined therein were extended to all asylum seekers and displaced persons on an equal footing with the resident population. In addition, a decree on the rights of displaced persons and refugees had been extended for two years, so that all rights would continue to be provided to those groups, except the right to vote.

17. **Ms. Manalo** said that female ambassadors played a key role in the formulation of political and security frameworks, which in many countries were used by the armed forces and the police in peacemaking, peacebuilding and peacekeeping efforts. In that context, she would be interested to learn whether the Ministry of Foreign Affairs and European Integration implemented or planned to implement programmes or incentives to attract young women to careers in the diplomatic service.

18. Regarding nationality, she asked whether a Montenegrin woman could choose to relinquish her citizenship, for example in order to adopt her husband's nationality. She would also like to know if it was easy for foreign spouses to obtain citizenship and if women were entitled to transmit their nationality to their children.

19. **Ms. Đonaj** (Montenegro) said that Montenegro did not recognize dual citizenship. Citizenship could be obtained by a foreign national aged 18 years or older provided that he or she had been released from the citizenship of his or her country of origin and had been married to a Montenegrin citizen for at least three years or had held permanent residence in Montenegro for at least five years. Applicants were also required to have accommodation and a continuous source of income and not be the subject of criminal proceedings either in Montenegro or in the country of origin. Children were entitled to acquire Montenegrin citizenship provided that one of the parents was Montenegrin and certain legal conditions were met.

Articles 10 to 14

20. **Ms. Gbedemah** said that it was unclear whether the project-based initiatives developed by national and international NGOs in primary and secondary education had a sustainable impact. Termination of those initiatives could in fact have negative effects on the education and employment prospects of Roma children. She asked how the Government planned to ensure the sustainability and continuation of those initiatives for the benefit of vulnerable children, particularly Roma and Egyptian children, and children with special educational needs. She also wished to know what proportion of the national budget was spent on education.

21. School attendance and dropout rates among Roma and Egyptian children remained significantly lower than among the general population. Although enrolment rates were increasing, less than a third of Roma and Egyptian children completed primary education. She wished to know whether any studies had been carried out to identify the causes of poor attendance rates and, if so, what the results had been, as well as whether there were any

measures in place to prevent children dropping out of school or to facilitate their return. She asked whether professional qualifications on social inclusion in education were compulsory for teachers of Roma and Egyptian children. She noted that no information had yet been provided on Ashkali children in education.

22. Noting that significantly fewer Roma and Egyptian women were able to read short, simple statements than their male counterparts or the general population, she requested information on the quality of teaching, supervision, monitoring and evaluation. She also asked whether teachers had incentives to improve attainment among those students, whether education could be adapted to those communities, and whether non-formal and vocational education was available to ensure that crucial life skills were acquired.

23. As the majority of preschool teachers were female but most primary teachers were male, she asked whether temporary special measures could be implemented to correct the disparity.

24. She also wished to know whether reviews had been carried out on the impact of education on combating gender stereotypes, and whether curricula, textbooks and teaching practices had been reviewed to ensure that gender inequality was not perpetuated through education. Did teacher training institutions provide courses on gender-related issues?

25. **Mr. Bergby** said that, although legislation provided for equal pay for equal work, men had earned on average 16 per cent more than women in 2014. He requested 2016 statistics on payment disaggregated by gender. The wage gap was the product of direct discrimination, the undervaluation of women's work, the persistence of traditional stereotypes and the struggle of women caregivers to balance their professional and personal lives. In that regard, he wished to know what measures were envisaged to ensure that the principle of equal pay was respected and whether labour inspections and the implementation of a new gender equality index would address the wage gap.

26. Noting that significantly fewer women were employed than men, particularly in the north, and that female workers were concentrated in certain occupations such as education and health care, he asked how the State party intended to improve the participation of women in the workforce in general, and in male-dominated sectors in particular.

27. He wished to know whether the Government supported the Montenegrin Employer's Union in its call for more flexible working arrangements, including part-time work and distance work. He asked how the Government would ensure that women were able to benefit from such arrangements to facilitate their integration into the workforce.

28. Noting the lack of statistics on parental leave, he requested that such data be provided in future. As leave could only be taken by one parent, he asked whether the Government would introduce non-transferable paternity leave to promote the active participation of fathers in childcare. Moreover, in view of the campaign of the United Nations Children's Fund (UNICEF) to ensure that children between the ages of 3 and 6 were enrolled in kindergartens, he would like to know what percentage of children in that age group had access to kindergarten.

29. **Ms. Gbedemah** noted that the State party's report did not contain any information on the affordability of contraceptive measures or the laws on access to abortion. Both the prevalence of contraception usage and knowledge of HIV/AIDS remained low among Roma and Egyptian women in comparison to the general population. With 36.9 per cent of Roma and Egyptian women having had at least one child before the age of 18, it was of concern that reproductive health services were viewed as unfriendly and not widely used, even in areas where they were available.

30. Noting that the prevalence of sexually transmitted infections (STIs) was unknown owing to stigma and discrimination, she asked how the Government intended to strengthen primary health-care capacities on the prevention and management of STIs. It was vital that sex education was mandatory, comprehensive, rights-based and aimed at preventing early pregnancy. Drawing the delegation's attention to the Committee's general recommendation No. 24 on women and health, she requested information on obstacles to contraception usage and women's access to health care, particularly among Roma and Egyptian women and women with disabilities.

31. She would appreciate information on the outcome of the State party's study on the quality of care for mothers and newborns, and asked how and when issues such as the shortage of beds and poor hygiene in medical facilities would be resolved. In addition, she requested information on obstacles, such as cost, distance and a lack of documentation, that prevented women from accessing gynaecological care.

32. Noting that health insurance was free for women over the age of 65, she asked whether conditions suffered only by older women were covered by the insurance. She wished to know what was being done to remove obstacles to women's access to health insurance, which was particularly important for maternity care. As women on maternity leave received only 90 per cent of their salaries, she asked what changes could be made to expedite salary payments.

33. **Ms. Milić** (Montenegro) said that initiatives to facilitate access to education for Roma and Egyptian children focused on early development and ensuring that those children were enrolled in the preschool system. Informal community networks were also used to increase attendance among those children. The satellite school for Roma and Egyptian children in Camp Konik had been closed down. Primary and secondary education were desegregated and many Roma and Egyptian children attended mainstream schools in Podgorica, for which free transportation was provided.

34. In order to improve the primary and secondary school enrolment rate, the Government was actively promoting the role and importance of education. Scholarships and other assistance were available to help disadvantaged children continue in education. Specialized initiatives and curricula had been developed for vulnerable children and children with special educational needs, including programmes to help them prepare for work in specific fields.

35. The campaign to increase preschool enrolment run by the Government and UNICEF mainly targeted schools in rural areas in the northern and central parts of the country. Moreover, efforts to place teachers in areas with few or no preschools had significantly improved school coverage in a sustainable manner.

36. The Government aimed to prevent school dropout at all levels and all teachers were required to keep records of attendance, with the data collected included in monthly reports. The Government was drafting a plan under the Roma and Egyptian integration strategy to address the dropout rate, which was related to arranged marriage, and the gender gap between preschool and primary teachers.

37. Sex education was covered in depth in the national curriculum. Biology was taught in primary and secondary schools, in addition to civic education and courses on healthy lifestyles. In order to combat gender stereotypes, curricula had been reviewed and certain subjects would be amended to incorporate a gender perspective. Teacher training had included a gender-based component for several years. In addition, teachers, particularly preschool teachers, were entitled to ongoing training, and the Government was working on a method for them to share what they learned with their colleagues.

38. **Mr. Gjokaj** (Montenegro) said that Roma and Egyptian children formed a very small percentage of the total population and of the population in education. There were presently 20 Roma and Egyptian university students, of whom 11 were female. All Roma and Egyptian university graduates were in employment.

39. Free textbooks were provided to Roma and Egyptian children by the Ministry of Human and Minority Rights for the first three years of primary education, and subsequently by the Ministry of Education. Scholarships were available for secondary and tertiary education. High school students could receive €60 a month and university students €150 a month. Such support allowed children to continue in education and helped reduce the dropout rate.

40. In addition, the Ministry of Human and Minority Rights organized courses on Roma language and culture for the summer and winter school breaks. In cooperation with the Roma Council and in association with the Bureau for Textbooks, the Ministry had produced the first Roma language textbook and the first Roma-Montenegrin dictionary.

41. **Ms. Milić** (Montenegro) said that standards on inclusion in education had been finalized, taking social welfare and health care into account. The budget for the 2017/18 school year would fund 20 mediators for schools.

42. **Mr. Ratković** (Montenegro) said that in the case of a violation of the right to equal work for equal pay, the employee received the sum of their unpaid wages as compensation and unlawful decisions made by their employers were declared null and void. There had been no recorded violations in 2016. Wages were regulated by specific laws in the public sector and by general collective agreements in the private sector. Implementation of the law was monitored by the Labour Inspectorate, which carried out regular and ad hoc inspections in cooperation with NGOs.

43. **Mr. Kuševija** (Montenegro) said that there was an integrated record of parental leave, in addition to disaggregated data. One parent was entitled to parental leave of 365 days from the baby's birthdate: such leave was used by both fathers and mothers. Employees on parental leave received their wages from their regular employers, who received money from social work centres. The average national monthly amount spent on parental leave wages was €700,000.

44. **Ms. Klikovac** (Montenegro) said that reproductive health was a government priority at all levels of the health-care system. Emphasis was placed on primary care and the country had only one tertiary health-care centre. Outpatient health-care facilities were available in urban and rural areas, including in the north, where weather conditions could make access difficult.

45. Contraception was available at outpatient centres at the primary care level through trained staff and specialists in family medicine. One doctor was assigned per family, rather than one per person. In addition, marriage and family counselling was available in Podgorica, as well as counselling for persons with HIV/AIDS or STIs and reproductive health counselling for adults and young people. Special counselling was available for girls under 18 years of age, who often received insufficient family support for sexual health problems. Additional support was provided by NGOs.

46. There had been a programme for many years to facilitate access to health care for Roma and Egyptian women, and medical screenings were organized for rural women and girls. The Government wished to raise awareness of the importance of screening so that more people would seek medical examinations as a preventive measure.

47. Free health insurance for older persons had been harmonized with the provisions of the national labour law. The Government was developing a single system in which all persons would be registered in order to clarify their entitlement to use health-care services.

48. **Mr. Ratković** (Montenegro) said that a working group had been established to amend Montenegrin labour law in order to cover flexible forms of employment. At present, employers were responsible for determining the terms and conditions of employment for employees working flexibly, including their duties and wages.

49. **Ms. Hayashi** said that the "lifetime benefits" introduced for women clearly served as a disincentive for entering the labour market and reinforced gender stereotypes. She wished to know whether there were mechanisms to assess the gender impact of new social welfare laws, policies or measures. She asked whether the Government intended to take action to enable women to resume their previous employment after leaving their job in order to receive the lifetime benefit. She would appreciate information on any efforts to act upon the recommendations of the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/MNE/CO/1, para. 14), namely requalification, loans for entrepreneurship and tax benefits for employers to promote the hiring of persons from marginalized groups.

50. The fact that women did not often own real estate was an obstacle to self-employment and the economic empowerment of women. She would welcome information on how the Strategy for the Development of Women's Entrepreneurship sought to address that issue, and what the goals, time frame and budget allocation of the strategy were, especially with regard to vulnerable groups.

51. **Ms. Hofmeister**, noting that one third of the female population in Montenegro lived in rural areas and that many women worked at home and in agriculture, lacked basic amenities such as electricity, running water and adequate transport links, and had limited access to education and health services, the labour market and cultural events, said that she would appreciate information on any concrete steps the State party intended to take to improve the situation of rural women in accordance with general recommendation No. 34 on the rights of rural women (CEDAW/C/GC/34). Given that women with disabilities had often been kept hidden from society since childhood because the parents felt ashamed, she would like the delegation to describe any action taken to increase social acceptance and access to education and health care, particularly with regard to the Strategy for the Integration of Persons with Disabilities and its gender impact.

52. Roma and Egyptian women were the most vulnerable group in the country; they lived in poverty and suffered social exclusion. The school dropout rate among girls from those communities was especially high and they often married at an early age. The Committee would like to see the results obtained thus far from implementing the strategies and action plans for 2012-2016 and 2016-2020 to improve the status of women from Roma and Egyptian communities.

53. Members of the lesbian, gay, bisexual and transgender (LGBT) community were forced to hide their sexual orientation and identity in order to protect themselves, since they were subject to attacks and harassment on the street, in the workplace and sometimes within their own families. She would like to hear what steps had been taken to combat homophobic violence against LGBT people, and what legal framework was in place to protect them.

54. The Committee had been informed that there was only one prison for women, where they were detained regardless of the length of the sentence and nature of the crime. Human rights violations included a lack of contact with their children, no access to educational programmes, racism and violence from male staff, and a lack of drug rehabilitation programmes. She would welcome information on measures to improve the situation of women in detention by addressing each of those areas of concern.

55. **Ms. Racković** (Montenegro) said that initiatives were under way to make allowances available for rural households. Women and young farmers were given high priority when allocating agriculture investment funds. Women constituted 10 per cent of the country's landowners. As part of the country's agricultural policy, both male and female landowners who had no source of income other than that from their farms were entitled to special benefits and an old-age pension. Just under half of the 3,700 recipients of such benefits were women.

56. **Mr. Kuševija** (Montenegro) said that as far as the delegation was aware, there were no villages without electricity or a water supply.

57. The Government had issued a negative opinion on the bill granting the lifetime benefit to mothers with three or more children; however, parliament had still passed the law without a fiscal assessment. A Constitutional Court decision was pending regarding the constitutionality of the law. The Government was unable to reinstate women who had left their job to claim the lifetime benefit because they had terminated their employment contract. Nevertheless, a significant proportion of the €5 million received by the Employment Agency to create new jobs would be dedicated to increasing female employment.

58. The response to the Committee's question regarding the employment sector would be submitted in writing.

59. **Ms. Milić** (Montenegro) said that access to education, equal opportunities and ability based-learning were the guiding principles of educating children with disabilities. Both boys and girls were covered by programmes in that regard. Special schools had been converted into resource centres to support inclusive education; children with disabilities attended mainstream schools. The reaction of children with disabilities to their learning environment was assessed on a case-by-case basis according to the type of disability. No

distinction with regard to gender was made. There were specific learning activities for girls to encourage individual development on the basis of their abilities and potential.

60. **Mr. Zenka** (Montenegro) said that 170 flats had been built for internally displaced and displaced persons, and efforts had been made in the previous five years to improve their living conditions and cater for their needs.

61. **Mr. Gjokaj** (Montenegro) said that a team of experts had been hired to assess the previous strategy when drafting the strategy for the social inclusion of Roma and Egyptian women for 2016-2020. Annual action plans had been created on the basis of the strategy and had been adopted by the Government. A commission, which met every quarter, monitored the implementation of the action plans. Meetings were also held with Roma NGOs and the Roma Council to monitor the implementation of the strategy.

62. **Ms. Klikovac** (Montenegro) said that the provision of health care to persons with disabilities was based on the concept of equality. Although such services were in theory available to all, physical access to health centres remained a problem. The adaptations needed to make buildings accessible to persons with disabilities were the responsibility of, and would be funded by, the Ministry of Health and the Ministry of Sustainable Development and Tourism. Medical equipment, such as dentist's chairs and obstetric tables, had already been adapted for use by persons with disabilities.

63. **Ms. Radošević-Marović** (Montenegro) said that in December 2016 the Government had introduced a strategy aimed at preventing discrimination against persons with disabilities, which focused on respect for the human rights of persons with disabilities, rather than solely on the social inclusion of such persons. The strategy was based on the 2015 Law on the Prohibition of Discrimination against Persons with Disabilities, which provided for protection from all the types of discrimination covered by the Convention on the Rights of Persons with Disabilities and required the authorities to take action to eliminate stereotypes and all types of discriminatory action against such persons.

64. The State party had introduced a strategy to improve the quality of life of LGBT persons, who until relatively recently had received little recognition in the country. Work was being carried out in conjunction with NGOs to raise awareness of and tackle issues concerning LGBT people in towns and cities outside the capital.

Articles 15 and 16

65. **The Chair**, speaking in her capacity as an expert, said that according to one survey, almost 60 per cent of judges prioritized family preservation over the interests of individual family members, and believed that family reconciliation was always in the best interests of the child. Judges very rarely took domestic violence into account when considering custody cases, in spite of a recent amendment to the Family Law which stated that a child could maintain a relationship with each parent only where there was no threat to the child. The failure of judges to consider domestic violence as a factor could be due to a lack of communication between the relevant courts, inadequate awareness of the protection measures available, or the fact that they did not believe women when they claimed to be victims of domestic violence.

66. She wished to know whether the Government was aware of the growing influence of men's organizations over the media, members of parliament and even the judiciary, with the result that women were portrayed as manipulative and not to be trusted, leading some judges to dismiss women's claims that they had been victims of domestic violence. Was the Government conducting research into possible links between judicial decisions in child custody cases and domestic violence? Was the Government monitoring the growing number of rulings on shared custody and analysing their effect on children's welfare and development? She would like to know if there had been any instances where orders for the removal of children from shared residences or restraining orders had been issued in domestic violence cases.

67. She was concerned about the legal provisions on matrimonial property introduced in 2016. As she understood it, although property was divided equally between the spouses at the time of the divorce, women had to prove that they owned their share and that they had

contributed to the joint property. Since article 288 of the Family Law narrowly defined property as property acquired by the spouses through work during their marriage, she wondered whether account was taken of future income from worker's compensation, severance pay and pension entitlements, as well as future earning capacity, which could be vastly different for women and men. Furthermore, article 294 stipulated that if one spouse proved that his or her contribution was significantly higher than that of the other spouse, the property would be divided accordingly. Since data from other jurisdictions had revealed that such provisions were highly detrimental to women, she wished to know whether any studies had been conducted in that regard.

68. **Mr. Zenka** (Montenegro) said that in general, men and women had the same rights to property acquired during marriage. Even where the wife was not employed, the property was divided equally upon divorce. On the question of women having to provide proof of their contribution, further information would be provided to the Committee in writing.

69. **Ms. Pejović** (Montenegro) said that details of the action taken to promote gender equality were available on the website of the Ministry of Human and Minority Rights. Information concerning restraining orders, decisions by the misdemeanour court and the Supreme Court, and data on the SOS hotline would be submitted in writing.

70. The Family Law had been amended in July 2016 and had entered into force in May 2017. Article 288 stated that joint property constituted assets acquired by the spouses through the use of intellectual rights or insurance, as well as work. Subsequent to the amendment, spouses were entitled to individually own any property acquired while married; the spouses each managed their own property unless agreed otherwise. Furthermore, the involvement of notaries provided additional guarantees in terms of women's property rights.

71. **Ms. Gbedemah** said that she would appreciate an answer to her question concerning the proportion of the national budget spent on education and how the Government planned to ensure the sustainability of initiatives for the benefit of vulnerable children. She also wished to know whether the subject of gender studies was compulsory in both the teacher training and school syllabuses. The response that had been received on sex education focused on the teaching of biology; however, the Committee was of the view that sex education should be mandatory, universal and rights-based, and that it should encourage responsible sexual activity and pay special attention to preventing early pregnancies.

72. **Ms. Manalo** said that she would welcome a response to her question as to whether there was a law to prevent harassment in the workplace. If not, she wished to know how the State party intended to protect employees and employers from threats and abuse.

73. Noting that there had been an increase in the number of sex-selective abortions in spite of the law against such practice, she wished to know what measures would be taken to enforce the law.

74. **Mr. Zenka** (Montenegro) said that the responses to outstanding questions would be submitted in writing. His Government remained determined to make further progress in implementing the Convention and the Committee's comments and recommendations were much appreciated.

The meeting rose at 5.20 p.m.

United Nations CEDAW/C/SR.1514

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1514th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 July 2017, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth to eighth periodic reports of Barbados

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth to eighth periodic reports of Barbados (CEDAW/C/BRB/5-8; CEDAW/C/BRB/Q/5-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Barbados took places at the Committee table.*

2. **Mr. Blackett** (Barbados) said that the Constitution of Barbados gave equal protection to all citizens and no law could be enacted that was inconsistent with the rights under the Constitution. Such principles had informed the policies of successive administrations since independence and helped provided a framework for women and girls to fulfil their potential and realize their rights.

3. The role of women and girls in building the nation, achieving economic advancement and securing social progress had contributed significantly to the high levels of sustained investment, despite the challenges faced as a small island developing State. The Government was committed to working with the international community to address issues of discrimination and violence against women. Women were the backbone of society and had major roles to play as teachers in educational institutions and as the repositories of wisdom in homes and communities. Barbadian women were represented in business, engineering, the civil service, the judiciary and politics. According to estimates for 2017, some 144,000 of the population was female and 133,000 male. The Government was investing in key sectors, such as social care, education, health and housing, to enhance women's and girls' development, despite the economic situation. In 2016, the economy of Barbados grew by 1.6 percent compared with 0.9 percent in 2015.

4. While there were reasons for optimism, fiscal discipline was still required owing to challenges, such as the slow progress of the fiscal consolidation efforts and the high debt burden. During periods of economic disruption, it was all the more important to strengthen social services. The network of social services to provide support and protection, particularly for women, included the poverty eradication fund of the Ministry of Social Care, Constituency Empowerment and Community Development, which had been set up to provide financial assistance for housing, education and health care, the Identification, Stabilization, Enablement and Empowerment (ISEE) Programme, which offered psychosocial support to households and under which around US$ 95,000 in benefits had been paid out in 2016 and the National HIV/AIDS Commission, which provided school supplies and nutrition.

5. That Commission worked in cooperation with other ministries and public bodies to assess housing needs and identify persons requiring priority assistance. In Barbados, health care was free for all citizens and free, compulsory education was provided for children between 5 and 16 years of age. More girls than boys obtained scholarships at the secondary school level and at the tertiary level, where higher numbers of women than men attended and graduated from university. The 2016 amendments to the Domestic Violence (Protection Orders) Act had established a wider definition of domestic violence, enhanced the police's power to intervene in situations of suspected domestic violence and expanded the application of the Act to couples in visiting relationships. Despite significant progress to date, much work remained to be done to ensure the well-being of Barbadian citizens by upholding human rights.

Articles 1 to 6

6. **Ms. Schulz** said that she found it regrettable that the report only covered the situation until 2012 and that the replies to the list of issues were sent late. She was concerned that some of the gravest problems addressed in the previous dialogue had yet to be addressed. With regard to constitutional issues, she asked whether the Government was aware that the failure to list sex among the grounds on which discrimination was prohibited in section 23 (2) of the Constitution reflected poorly on the legal system. She asked when a definition of sex discrimination in keeping with article 1 of the Convention might be

included in the Constitution. She wished to know whether there were plans to amend the Constitution to provide for protection against discrimination for foreign women, who were not afforded the same protections as citizens.

7. She asked whether the Government envisaged implementing the recommendations of the 1998 report of the Barbados Constitution Review Commission to bring the Constitution into line with international human rights standards, whether the Constitution would be revised to include the grounds of sex, gender, sexual orientation, gender identity, age and disability in protection against discrimination and what the time frame of such amendments would be. She asked whether plans to introduce a republican form of government still stood and, if so, whether the Government would take advantage of that occasion to expand protections against discrimination.

8. Turning to legislative issues, and expressing concern at the lengthy legislative processes, she asked whether the Government might consider drafting and presenting to Parliament an omnibus bill on the full incorporation of the Convention into national law. If that was not an option, she wondered whether bringing sectoral laws into conformity with the Convention piecemeal might be presented to Parliament as a matter of priority, particularly legislation on gender equality incorporating article 1 of the Convention.

9. With regard to access to justice, she asked whether there were plans to give first priority to the establishment of family courts and to courts and other mechanisms dealing with violence against women and girls. She wondered whether there was a time frame for the introduction of the family court, referred to by the Attorney General in June 2017, having jurisdiction throughout the island to hear matters related to family arrangements at the magisterial and High Court level. She asked whether priority would be given to providing the courts with the necessary resources to hear new cases and reduce the existing backlog and to training judicial officers, lawyers, the police and social and medical professionals to ensure they adopted a gender-sensitive approach to their work. How did the Government intend to improve the population's levels of legal literacy on women's rights and their awareness of the Convention?

10. **Mr. Blackett** (Barbados) said that, while the Government was aware of the impression that might be left by the omission of sex in section 23 of the Constitution as a prohibited ground of discrimination, sex was covered in section 11. His Government had implemented around 200 recommendations on gender equality since 1976. The policy on gender equality, which would be presented to the Cabinet shortly, contained a recommendation to bring section 23 of the Constitution into line with section 11 by extending the prohibition in section 23 to discrimination based on sex, gender, marital status and pregnancy. The policy on gender equality also provided for data collection to assess the follow-up to complaints handled by the Office of the Ombudsman relating to gender inequality and the effectiveness of measures, such as media and education campaigns, to address gender stereotypes.

11. **Ms. Boyce** (Barbados) said that an external review of legislation on family issues was being carried out to identify gaps and make recommendations. The family court would be established shortly. Training of judicial officers was provided within the context of the Justice Improvement Project and the national gender policy. The Supreme Court had been relocated, refurbished and equipped with information and communication technology resources.

12. **Ms. Schulz** asked what specific additional mechanisms would need to be in place for Barbados to accede to the Optional Protocol to the Convention and how many years would be required to establish those mechanisms. She also asked whether assessments of the impact of the country's tax haven status on the advancement and rights of women both domestically and internationally were conducted.

13. **Ms. Boyce** (Barbados) said that, following a legislative review, the Attorney General had determined that further amendments to the law would be necessary before Barbados could sign the Optional Protocol.

14. **Ms. Bethel**, noting that, in 2015, the State party had ranked 22 in the Financial Secrecy Index of the Tax Justice Network, said she would be grateful for information on

the Government's commitment to international tax cooperation and the impact that such a commitment had on the capacity to mobilize tax revenues for the advancement of women's rights at the domestic and international level.

15. **Mr. Gibbs** (Barbados) said that his Government was making efforts to demonstrate to the international community transparency in tax matters under its jurisdiction. The decrease in national revenue had had an indirect impact on all citizens given that resources had had to be reallocated among various sectors in what had already been challenging circumstances. Vulnerable groups were nevertheless prioritized.

16. **Ms. Bethel** said that, notwithstanding the many government initiatives taken to address gender inequality, discrimination and violence against women, such as the national policy on gender, training for public authorities and public awareness-raising about the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, alternative sources suggested that efforts to build on those initiatives were minimal, short-lived or ineffective. She would appreciate it if the delegation could comment on those assertions. She asked whether a human rights-based approach had been employed to ensure that new taxes, such as value added tax and the national social responsibility levy, and relevant laws and policies were not at variance with the State party's international human rights obligations and the Convention and whether an assessment was carried out of the impact of those taxes on women living in poverty.

17. With regard to the Bureau of Gender Affairs, she asked what was the budget allocation for the Bureau and its percentage of the general national budget, what decision-making capacity did the Bureau have in the government structure, what role did the Bureau play in the implementation of policies and identification of legal gaps regarding de facto discrimination and inequality and how did the Bureau grapple with the reported backlash against measures to improve equality gender that was prevalent in Barbados.

18. She would welcome information on the status of the national policy on gender and the road map, calendar and budgetary allocations for its implementation. She asked whether the policy provided for the Bureau's full authority and capacity to promote the advancement of women and for effective gender mainstreaming in all governmental activities at the national and local levels. She would like information on plans to strengthen institutional services for women and disseminate information on the services and programmes provided by the Bureau, particularly outside the capital.

19. Turning to other national mechanisms, she asked what measures had been taken to incorporate a gender perspective into the work of the Office of the Ombudsman, what the timeline was for the establishment of a national human rights institution and what inter-institutional coordination mechanisms and capacity-building programmes were in place to ensure harmonization of the measures implemented by the various institutions, including the Bureau of Gender Affairs, the national human rights institution and the Office of the Ombudsman. She would like to know to what extent civil society, including the academic community, and the media were engaged in the promotion of gender equality and non-discrimination on the basis of sex. Lastly, she asked what initiatives had been undertaken to collect statistical and qualitative information that could be disaggregated by sex, age, ethnicity, rural or urban origin, among other variables, in all official and non-official reports and studies.

20. **Ms. Nadaraia**, referring to paragraph 40 of the periodic report, said that it was unclear whether the initiatives implemented by the State party to promote gender equality could be considered to be temporary special measures. Drawing the delegation's attention to article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, she would be interested to know whether the State party had introduced any temporary special measures aimed at accelerating de facto equality between women and men, particularly in areas in which women were disadvantaged or underrepresented, including in political processes, decision-making positions and male-dominated sectors of employment. She also wished to know whether the State party planned to conduct any awareness-raising campaigns to help public officials understand the meaning and scope of temporary special measures and whether it intended to extend the use

of such measures to encompass disadvantaged groups of women, such as rural women, women with disabilities and LGBT women.

21. **Mr. Blackett** (Barbados) said that, despite the austerity measures implemented by the Government in the wake of the global economic crisis, efforts had been made to maintain social welfare budgets at an adequate level to ensure that persons most in need could still rely on State assistance. While the unemployment rate was currently hovering at around 9 per cent, many of the persons laid off at the height of the crisis had since re-entered the labour market.

22. **Ms. Boyce** (Barbados) said that the Bureau of Gender Affairs had a small but very efficient staff that, unfortunately, was not always able to execute its broad mandate on its own. For that reason, it had developed strategic partnerships with, among others, the Institute for Gender and Development Studies at the University of the West Indies, the National Organization of Women and women's and men's business groups. Activities to promote and raise awareness about gender equality were carried out in conjunction with the national media and churches, civil society and schools at the local level. The Bureau also disseminated information on specific issues, such as domestic violence, and sought to inform the public about its work and mandate. Lastly, the Government had established a family conflict unit with the aim of collecting data on the incidence of domestic violence in the country. The Bureau was currently working with the Office of National Statistics to define relevant data indicators in that regard.

23. **Mr. Gibbs** (Barbados) said that, while the overarching goal of any national budget was to ensure stability and promote growth, consideration was always given to ensuring that the most vulnerable members of society were protected, even during straitened times. In so doing, the Treasury was, to some extent, automatically seeking to protect women and improve their circumstances.

24. **Mr.** Jeffrey **Kellman** (Barbados) said that education was the key to empowering women and lifting them out of poverty. Several poverty alleviation projects had been launched, including the Identification, Stabilization, Enablement and Empowerment Bridge programme, which had received a US$ 10 million loan from the Inter-American Development Bank in order to tackle intergenerational poverty and reduce unemployment through training.

25. **Ms. Bethel** said that she would be grateful for a reply to her questions concerning the budget allocated to the Bureau of Gender Affairs, in particular as a percentage of the national budget. She would also be interested to learn about how the Bureau's array of partnerships and initiatives had transformed the lives of women in Barbados. It would be helpful to know what specific impact the austerity measures had had on social programmes aimed at empowering women in the long term and preventing a culture of dependency on public assistance. She wondered whether a ministry responsible for social protection measures was the right government department to handle gender issues.

26. **Mr. Blackett** (Barbados) said that the Ministry of Social Care, Constituency Empowerment and Community Development sought to discourage a culture of dependency on government welfare benefits for a prolonged period of time. The ISEE programme, for example, aimed to take a comprehensive approach to tackling the root causes of poverty, thereby empowering some 250 households, many of which were headed by women, to improve their situation.

27. **Ms. Boyce** (Barbados) said that the results of the collaboration between the Bureau and civil society organizations, for example, had helped to draw public attention to the issue of domestic violence and empower women by raising awareness and providing them with the tools necessary to take action. Similarly, through its partnerships with business groups, the Bureau had held workshops aimed at building women's self-esteem and giving them the confidence to pursue successful careers.

28. **Ms. Cuffy** (Barbados) said that the University of the West Indies had been a long-time partner of the Bureau of Gender Affairs. The University took steps to raise awareness of gender issues among its student population as a matter of course and undertook gender

research, which had helped support the Bureau in developing relevant programmes and activities.

29. **Mr. Gibbs** (Barbados) said that the Government had adopted a dual approach to the issue of social welfare: it ensured that State support was available to help persons when they most needed it and created the necessary structures to empower such persons to support themselves in the future. By way of example, one of the critical components of the Ministry of Industry, International Business, Commerce and Small Business Development portfolio was to foster the establishment of small and micro enterprises and provide sector-specific training, such as for the tourism industry. A large proportion of said training opportunities were taken up by women.

30. **Ms. Acar**, referring to article 5 of the Convention, said that patriarchal attitudes and traditional gender stereotypes still prevailed in Barbados, despite the fact that women outnumbered men. She wished to know what specific action was being taken by the State party to change societal attitudes, eliminate discriminatory laws, raise awareness of the Convention and recent legislative changes and combat all forms of gender-based violence, which, by all accounts, was a serious problem in Barbados. In that connection, it would be helpful to have specific data on cases of violence against women, including reporting and prosecution rates, and details of any court decisions, particularly with respect to women from disadvantaged groups. It seemed that training for law-enforcement professionals was inadequate; for instance, reports suggested that, when responding to complaints of domestic violence, police officers often blamed the victim. In that light, she wondered what was being done to improve training and change mindsets not only in the police force but also in the judiciary and other public services. Lastly, she asked what steps were being taken to counter the public backlash against measures aimed at promoting gender equality.

31. **Ms. Bethel**, while commending the adoption in 2016 of the Trafficking in Persons Prevention Act, said that she wished to know what time frame was envisaged for the introduction of the draft national policy on human trafficking mentioned in paragraph 48 of the State party's replies to the list of issues and what specific areas that policy covered. Notwithstanding the progress made by the State party, the trafficking of women, children and undocumented migrants for the purposes of labour or sexual exploitation remained a matter of serious concern. Moreover, the Government had failed to provide adequate resources to State agencies and NGOs for training or furthering anti-trafficking efforts and for the care of victims. In that light, she would like to know what human and financial resources the State party had allocated in order to investigate and prosecute cases of trafficking, including cases not involving international migration, and to convict and punish perpetrators. She wished to know how many cases involving trafficking of women and girls had been investigated and prosecuted and what penalties had been imposed on perpetrators, what were the functions of the special trafficking unit of the police force referred to in the periodic report and what was the status of the draft protocol, policy and procedures manual for victims of trafficking, which had been in the pipeline since 2008. In a similar vein, she asked what measures had been taken or were envisaged to raise greater awareness about human trafficking, particularly in low-income urban areas, ensure adequate protection and assistance for women and girl victims, set up and provide resources to specialized shelters for victims of trafficking, including children, enhance victim-identification procedures and provide comprehensive referral services for all victims of that offence. She also wondered how the State party intended to intensify efforts to investigate, prosecute and convict child sex tourists and whether there were plans to increase training on human trafficking for members of the police, the prosecution service and the judiciary.

32. Turning to the issue of prostitution, she asked whether steps had been taken to address the root causes of prostitution, including poverty, that made women and girls vulnerable to sexual exploitation and trafficking, what plans were in place to ensure that women in prostitution had access to health and social services and what measures had been implemented or were envisaged to empower women who wished to leave prostitution and help them to reintegrate into society. Since prostitution was illegal in the country, she wished to know whether data could be provided on the number of women who had been prosecuted and punished for prostitution and men for pimping or paying for sex, and the sentences imposed, whether demand for prostitution had increased as a result of the tourist

industry and whether the State party had given any consideration to decriminalizing prostitution.

33. **Ms. Boyce** (Barbados) said that the national policy on trafficking had been submitted to the Cabinet Subcommittee on Social Policy, which had issued a report containing a set of recommendations. The Bureau of Gender Affairs was currently in the process of revising the policy document to bring it into line with those recommendations. The Ministry of Social Care, Constituency Empowerment and Community Development had engaged a consultant with a view to reviewing family law and identifying any discriminatory language in it that should be removed. The Bureau had worked with women's non-governmental organizations (NGOs) and UN-Women in order to raise awareness of domestic violence and the ways in which victims could seek redress. The subject of domestic violence had been included in the curriculum followed by trainee police officers and steps had been taken to change the way in which police officers communicated with victims of domestic violence.

34. **Mr. Gibbs** (Barbados) said that, in accordance with the national policy on gender, the Government would be posting guidelines on trafficking in persons in strategic locations in order to deter traffickers and inform the public of how to assist victims. The police force and the Immigration Department collaborated with the Customs and Excise Department to identify victims of trafficking in persons. Steps would be taken to raise awareness of the fact that male and female victims of trafficking were at risk of being forced into prostitution and other forms of labour exploitation. The Government would be working with other Caribbean Community member States in order to enhance its ability to combat human trafficking. The appropriate rehabilitation services were being set up for male and female victims of trafficking.

35. **Ms. Acar**, commending the State party on the adoption of the Sexual Offences (Amendment) Act, said that she wished to know what steps had been taken to raise public awareness of the fact that the definition of rape had been broadened to cover a husband who had sexual intercourse with his wife without her consent. She asked whether any cases involving marital rape had been brought before the courts and, if so, whether judgments had been issued in respect of those cases. Lastly, it would be helpful if the delegation could confirm that the sole shelter in operation in the State party was not exclusively reserved for women victims of violence.

36. **Ms. Boyce** (Barbados) said that the Government had taken steps to raise awareness of the amendments to the Domestic Violence (Protection Orders) Act by conducting outreach programmes and discussions with men's groups. Steps to raise awareness of the redefinition of marital rape had not yet been taken. The sole shelter that existed in Barbados, which was never full, served to support women victims of violence and women victims of trafficking in persons. The International Organization for Migration supported the Government in its efforts to repatriate victims of trafficking who were nationals of other States.

37. **Mr.** Ricardo **Kellman** (Barbados) said that, during the universal periodic review of Barbados conducted in 2008 (A/HRC/10/73), the State party had indicated that it would explore the possibility of establishing a national human rights institution. In 2013, the Government had stated that it would take steps to establish such an institution through the Office of the Ombudsman, which would take responsibility for investigating alleged human rights violations, including those pertaining to women. However, it had subsequently become apparent that the process of broadening the scope of the Office of the Ombudsman would have implications for various pieces of legislation. Consequently, the Government had established a National Human Rights Coordinating Committee to discuss and examine the implications of establishing a national human rights institution. It was not yet possible for the delegation to state when such an institution might be established.

38. The Government had taken significant steps to train law enforcement officials in gender-related issues. Complaints had been received about the way in which the police force communicated with victims of domestic violence and, as a result, a family conflict unit had been established to train police officers in dealing with women and child victims of violence. Such training had also been provided to members of the judiciary, teachers and

civil society actors. The draft policy on gender, in which emphasis was placed on the importance of awareness-raising in efforts to promote the rights of women, had been developed in collaboration with members of civil society in order to promote gender equity and gender equality.

Articles 7 to 9

39. **Ms. Nadaraia** said that, in view of the low representation of women in Parliament and ministerial posts, she asked whether the State party would consider measures to raise the proportion of female Members of Parliament to at least 30 per cent, to support women candidates for elected positions and to promote the equal representation of women and men in leadership and decision-making positions at all levels and in all areas of political and public life. Although a consensus had yet to be established on the introduction of a quota system, two major political parties had organized lectures and training sessions to encourage women to participate in politics. She asked whether funding, additional media coverage or other incentives were given to political parties to encourage them to promote women to senior positions within party structures and to increase the visibility of women candidates during election campaigns.

40. Noting that the State party report had mentioned a number of regional and national training activities intended to promote the participation of women in politics, she asked whether those activities had achieved that goal or the goal of promoting legislative and policy changes that would lead to the introduction of a quota system. In particular, she wished to know whether the training initiatives mentioned in the report had resulted in the increased participation of women in the elections held in 2013. The Committee would welcome further information on the number of women who held diplomatic and consular positions abroad, including the number of women who were ambassadors, high commissioners and representatives to international and regional organizations.

41. **Ms. Schulz**, noting that, during the universal periodic review of Barbados in 2013, the State party had accepted the recommendation concerning the equal treatment of mothers' and fathers' right to transfer their nationality to their children, said she wished to know whether, under articles 5 (1) and 5 (2) of the Constitution, Barbadian women who had not been born in Barbados could not automatically transfer their nationality to children born outside of Barbados. Given that foreign women who married male Barbadian citizens could acquire Barbadian nationality on request, but that foreign men who married women Barbadian citizens could not do likewise, she asked whether the State party would consider amending the Constitution and the Citizenship Act to provide men and women with an equal right to transfer their nationality to foreign spouses and to their children, irrespective of where they or their children had been born.

42. **Mr. Blackett** (Barbados) said that, as the Committee had indicated, no consensus had been established on the question of introducing quotas in the political system. The participation of women in local politics was addressed at the level of constituencies, where suitable candidates for election were proposed by their peers on the basis of their character, suitability for office, and record of engaging in community work, among other factors. Every Barbadian citizen had an equal right to seek public office in accordance with that process. Currently, out of a total of thirty Members of Parliament, one woman held a position in the Government and four women held positions in the parliamentary opposition. Women also occupied three very important political positions, namely, the positions of Leader of the Opposition, President of the Senate and Leader of Government Business in the Senate. The Minister of Foreign Affairs was also a woman. Although it was probably the case that the majority of diplomatic positions were currently held by men, the gender balance in the diplomatic service shifted in and out of favour of men and women over time.

43. **Ms. Cuffy** (Barbados) said that the Government was committed to ensuring that men and women participated equally in political life. In order to encourage young people to participate in the political system and learn about how that system worked, the Government had established the Barbados National Youth Parliament and conducted a number of training sessions aimed at persons aged from 14 to 21.

44. **Mr.** Jeffrey **Kellman** (Barbados) said that Barbadians who were born overseas could automatically acquire Barbadian citizenship. In accordance with the Constitution and the regulations of the Immigration Department, children born to Barbadian women who were married to foreign men were also able to acquire Barbadian citizenship. If he, as a Barbadian citizen, lived in Switzerland and had children and grandchildren in Switzerland, those children and grandchildren would be able to acquire Barbadian citizenship.

45. **Ms. Schulz** said that any children of Mr. Kellman's who were born in Switzerland would be able to acquire Barbadian citizenship because he was a man. However, article 5 of the Constitution, the relevant articles of the Citizenship Act and the explanations provided in the periodic report and the replies to the list of issues indicated that the State party's legislation on nationality contained discriminatory provisions.

46. **Mr.** Ricardo **Kellman** (Barbados) said that men and women now had an equal right to transfer their nationality automatically to their children. The law now provided for equal access to citizenship for all children born to Barbadian citizens, irrespective of whether those citizens were male or female. Four out of a total of 13 heads of mission were women and 70 per cent of the total number of positions in the foreign service were held by women.

47. **Ms. Schulz** said that, according to the replies given by the delegation in relation to the question of the transfer of nationality, the Government's legislation or practice had moved beyond what was specified in the Constitution, which was the supreme law of the nation.

48. **Mr.** Ricardo **Kellman** (Barbados) said that the rights enshrined under Constitution were further strengthened by a body of laws and jurisprudence. The rules concerning citizenship had been changed to ensure that men and women had an equal right to transfer citizenship to their children.

49. **Ms. Bethel** said that she would be grateful if the delegation could indicate whether a constitutional amendment that granted men and women an equal right to transfer citizenship to their children had been introduced. It was still not clear whether the Constitution granted foreign men and women an equal right to acquire Barbadian nationality when they married a Barbadian citizen.

Articles 10 to 14

50. **Ms. Gbedemah** said that she commended the State party on the fact that girls and women had equal access to all levels of the education system, that free education was provided to all Barbadians from the nursery to the secondary school level, that more than twice as many girls than boys were enrolled in the three main institutions of tertiary education and that girls and women outperformed men and boys at the secondary and tertiary levels. However, she was concerned to note that, despite the progressive decline in the teenage pregnancy rate since the introduction of universal free education, the rate of babies born to teenage mothers had been 44 per 1,000 live births in 2015, which was higher than the average rate of 18 per 1,000 live births for countries with a similar level of development. Although no law or policy prevented pregnant students from remaining in education, the stigma attached to pregnant girls meant that they were often compelled to leave school, after which they tended not to return. In principle, schools were expected to support students who became pregnant, although there was no general written policy on the procedure to be adopted by schools in such situations. In view of the situation outlined, she asked what was the dropout rate for girls who became pregnant, what was the dropout rate for students who left school for other reasons, what measures were in place to ensure that pregnant girls received support and were not expelled from school, how many school administrators had been punished for expelling pregnant girls on a discretionary basis, whether policies enabling pregnant girls to return to school would be implemented and whether the policies referred to in the State party report (para. 123) would be implemented to keep pregnant girls in school.

51. The Committee would welcome information on the progress made towards the development of universal, rights-based, mandatory and comprehensive sex education that addressed issues of power and responsible sexual behaviour and paid special attention to the prevention of pregnancy. In view of the fact that the State party had implemented a

schools' positive behaviour management programme, she asked why it had rejected the recommendations to prohibit all forms of corporal punishment of children that were made during the universal periodic review of Barbados in 2008 and in the second review cycle of 2013. She wished to know what barriers the State party had encountered in its efforts to abolish corporal punishment, whether it would reconsider its position on the matter in view of the fact that, as had been mentioned earlier in the dialogue, victims of violence in one sphere of life could become violent themselves in other spheres and whether the State party would consider the disproportionate impact that corporal punishment had on girls.

52. Noting that girls were required to obtain higher scores than boys in the secondary school entrance examination, she asked whether that requirement was set down in law and whether it might discourage girls from studying and place them under undue pressure. She would appreciate it if the delegation could comment on the fact that, even after repeated attempts, most male and female students failed to obtain four passes in the Caribbean Secondary Education Certificate, which were required for entry into the civil service. Noting that the results obtained by students largely depended on their social class, she asked whether the State party had examined the link between gender and social class and what steps were being taken to address class differences in academic performance.

53. Students who enrolled in programmes offered by the Barbados Vocational Training Board continued to opt for traditional, gender-segregated subjects. Noting that the replies to the list of mentioned a number of initiatives intended to address the gender imbalance in the subjects chosen by students, she asked whether those initiatives had been undertaken, particularly those set out in the national policy on gender. She asked what the increase had been in the number of women who opted to study science, technology, engineering and mathematics, whether temporary special measures been used to address the gender imbalance in subject choices and, if so, what the outcome of those measures had been. The Committee would welcome further information on initiatives taken by the State party in the areas of special needs education.

54. **Mr. Bergby** said that, although there were no legal barriers to women's participation in the labour market, their participation rate was only 64 per cent, compared to 76 per cent for men. Moreover, the average unemployment rate for women tended to be higher than that of their male counterparts. He asked what measures the State party envisaged taking to increase women's participation in the labour market. He would also like to receive sex-disaggregated statistical data on unemployment over the period 2010-2016 and on women's participation in the different programmes in place to increase access to employment for job-seekers. He asked whether the State party had measured the impact of those programmes on the employment rate of women.

55. Despite the recent increase in women choosing to exercise professions traditionally dominated by men, as a general rule, established patterns of employment had changed very little. The delegation might provide the Committee with statistical data illustrating the impact of the education programmes introduced to encourage women to make non-conventional career choices. What other measures did the State party intend to take to increase women's employment in industries that had been regarded as the preserve of men?

56. Noting that the principle of equal pay for equal work was enshrined in Barbadian employment law and largely adhered to in the public sector, he asked whether the State party also applied the principle of equal pay for work of equal value. According to a study, male public sector workers earned, on average, 18 per cent more than their female counterparts. It therefore stood to reason that the gender pay gap was far wider in the private sector. He asked what measures the State party intended to take to ensure compliance with those principles in all sectors. He found it regrettable that the Labour Department had been unable to provide sex-disaggregated data on wages owing to the refusal of private sector employers to supply such information, being under no legal obligation to do so. The absence of such data made it difficult to identify the causes of the pay gap and to prevent further discrimination. He asked how the State party planned to obtain the data on public and private sector wages requested by the Committee.

57. In Barbados, some 40 per cent of women were considered to be economically inactive, devoting themselves to child-rearing and other family duties. It would be useful if

the delegation could provide statistical data on women's participation in the informal labour market. He asked what steps the State party had taken to guarantee those women access to health-care and social services. He would also like to receive sex-disaggregated statistical data on the number of children engaging in paid work to supplement their family's income.

58. Sexual harassment in the workplace often prevented women from enjoying their employment rights on an equal footing with men. Noting that the sexual harassment (prevention) bill and a draft policy and legislative framework to combat sexual harassment developed by the Ministry of Labour had been pending for some time, he said that it would be useful to hear more about challenges and impediments preventing their adoption and whether a time frame for their adoption had been set.

59. Men, too, had child-rearing obligations and should be given the opportunity to take parental leave. He asked whether the State party planned to grant women additional paid leave and to introduce special paternity leave to promote the active participation of fathers in child-rearing.

60. **Ms. Arocha Domínguez** said that Barbados had a long history of working with the Economic Commission for Latin America and the Caribbean to advance women's rights and had succeeded in bringing about significant improvements in the situation of women's health in the country. However, the Committee remained largely uninformed about the impact of the austerity measures adopted in the years following the global economic crisis on women's health-care services and sexual and reproductive health indicators. She asked how the State party had reorganized health-care services in the new economic climate and how it ensured consistency in the provision of such services in the public and private sectors. She also wished to know whether the State party planned to allocate a separate budget for women's health-care services, such as maternity care services, cancer screening services, contraception programmes and programmes to prevent the spread of sexually transmitted diseases.

61. It would be interesting to have an account of the full range of sexual and reproductive health services available to adolescents in Barbados, including any age-appropriate information and guidance services promoting responsible sexual relations. It would also be useful to hear more about the sex education provided in schools and the services available to teenage mothers. The prohibition of prostitution only served to marginalize women engaging in that practice and to place them at greater risk of contracting a sexually transmitted disease such as HIV/AIDS. She asked whether there were health-care programmes in place to assist female prostitutes. She would also like to know whether the non-recognition of same-sex relationships in Barbados constituted a barrier to lesbian, bisexual and transsexual women receiving treatment at health-care facilities. How did the State party prevent medical personnel from refusing to provide treatment to women on the grounds of their sexual orientation or gender identity?

62. The paucity of statistical data on HIV/AIDS made it difficult for the Committee to follow the evolution of the HIV transmission rate among women in Barbados. It would be helpful to know whether the HIV prevalence rate was higher for men or for women and whether specific activities to prevent its transmission had been conducted. She asked how the State party intended to guarantee girls and adolescents with disabilities access to education and sexual and reproductive health-care services and to prevent their forced sterilization in medical facilities.

63. **Mr.** Jeffrey **Kellman** (Barbados) said that, under Barbadian law, all children had free access to education up to the age of 16 years. Teenage mothers were therefore entitled to continue their studies in the school of their choice. Parents had the right to choose the secondary school that their children attended, often doing so on the basis of geographical location, as the public transport network was not extensive. Girls were required to achieve higher scores than boys in the Barbados secondary school entrance examination in order to preserve the gender balance in the country's top co-educational schools, as girls tended to outperform boys in the examination and could go on to occupy a disproportionate number of places. The Minister for Education had expressed his desire for corporal punishment to be abolished in all schools in Barbados and intended to revise the existing policy on corporal punishment to that end. However, there was still some difference of opinion in

Barbadian society on the appropriateness of corporal punishment in the educational setting. The Government had a duty to consult wider society on proposed changes in policy and to take the opinions and concerns of its members on board.

64. The Government had undertaken a project in conjunction with the Inter-American Development Bank to create an inter-agency database to ensure the constant availability of up-to-date statistical data. Child labour was prohibited in Barbados. A committee had been set up within the public service to examine the possibility of granting paternity leave and to make recommendations to the relevant government minister, who could then submit a proposal to Parliament.

65. **Ms. Cuffy** (Barbados) said that, in Barbados, the main skills certificate was known as the Caribbean vocational qualification, which was a competency-based qualification offered to all students in the country's 22 public secondary schools. The aim of the qualification was to provide all students with the opportunity to study technical subjects at a younger age and with more career options in the future. The Ministry of Education had begun to place a greater emphasis on the study of science, technology, engineering and mathematics and had committed to introducing programmes to retrain teachers in those subjects so that they were better placed to help students make informed choices about vocational training. Students who had earned their Caribbean vocational qualification were entitled to seek employment throughout the Caribbean under the Caribbean Community (CARICOM) Skilled Nationals Programme.

66. **Ms. Boyce** (Barbados) said that the sexual harassment (prevention) bill was in the final stages of preparation and would be submitted to Parliament for consideration in 2017. Pregnant teenage girls usually attended school for the first five months of their pregnancy before leaving to have their baby, as continuing to attend school past that threshold could have a negative impact on their health. New mothers were entitled to return to the same school or enrol in a different school to finish their studies. Pregnancy was therefore not a bar to education and teenage girls who fell pregnant were not excluded or abandoned. No statistical data on the school dropout rate or on the number of teenage pregnancies were currently available. School attendance officers were responsible for monitoring the attendance of teenage mothers. School guidance counsellors provided teenage mothers with the necessary support as they pursued their studies.

67. Section 30 of the Employment Rights Act provided that the right of an employee not to be unfairly dismissed was contravened when the reason for dismissal was related to gender. As to compensation, unfair dismissal attracted punitive damages in addition to the standard damages provided for by law. The Ministry of Labour was in the process of drafting a bill to prevent discrimination in employment. The bill would be submitted to Parliament for consideration in 2017.

68. Wages were set by means of collective agreements in the public and private sectors and by Wages Councils. In all cases, wages were determined without distinction as to gender or other grounds. While no statistical information on the participation of women in the informal labour market was currently available, there was evidence to suggest that the number of women gaining professional qualifications and entering the market was increasing. In Barbados, self-employed persons enjoyed the same benefits and rights as government employees, such as maternity and sick leave and a pension, provided that they were properly registered and paid national insurance contributions.

69. National employment programmes tended not to be gender-specific. In the wake of the global financial crisis, the Government had encouraged men and women to seek employment in non-traditional areas and had promoted entrepreneurship through initiatives such as the youth entrepreneurship scheme. Under the scheme, young entrepreneurs received guidance and training on how to develop and secure funding for their business. Young entrepreneurs with viable business proposals could access funding through a microcredit facility without distinction as to gender.

70. **Ms. Gbedemah** said that, to her mind, the obligation for pregnant teenage girls to leave school after five months amounted to their expulsion and that the social stigma attached to early pregnancy and not concern for their health was the driver behind that policy. The State party should step up its efforts to eradicate the stereotypes associated with

early pregnancy and remove the social stigma carried by teenage mothers. The absence of a general, written policy on the procedures to be followed when a student fell pregnant was a cause for concern. The State party might consider adopting procedures to ensure consistency of treatment and the accountability of school administrators.

71. She noted with satisfaction that the State party planned to abolish corporal punishment in the near future. She asked what stage the State party had reached in revising its existing policy and when the revised policy might be adopted. While she understood the need for the State party to consult with society on proposed changes in policy, it should not be swayed by those segments of society that wished to preserve the practice. Instead, the State party should do more to promote a change in attitude towards the use of corporal punishment in schools, in keeping with its international obligations. She would also like to receive more information on the impact of the vocational and technical training provided in schools and a gender breakdown of the students participating in that training.

72. **Ms. Arocha Domínguez** asked what family planning services were available to teenage girls and how prevalent contraception use was among teenage girls and adult women. The delegation might also explain how it guaranteed lesbian, bisexual and transsexual women and female sex workers access to health-care services without stigma and discrimination. She would also like to receive statistical data on the HIV prevalence rate among men and women and to learn more about the main causes of HIV transmission in the country, the availability of antiretroviral treatment and the measures in place to prevent mother-to-child transmission of HIV.

73. **Mr. Bergby** said it was not clear whether the principle of equal pay for work of equal value was applied in Barbados. He found it astonishing that private sector employers were not required to supply sex-disaggregated data on wages and wished to know whether the State party planned to make it compulsory to submit such information to the Labour Department.

The meeting rose at 12.55 p.m.

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 July 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1515th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 July 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth to eighth periodic reports of Barbados (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth to eighth periodic reports of Barbados (*continued*)
(CEDAW/C/BRB/5-8; CEDAW/C/BRB/Q/5-8 and Add.1)

Articles 10 to 14 (*continued*)

1. *At the invitation of the Chair, the delegation of Barbados took places at the Committee table.*

2. **Mr.** Jeffrey **Kellman** (Barbados) said that the Constitution had been amended to make the transfer of citizenship gender-neutral. The foreign spouses of both Barbadian men and women were now able to obtain citizenship following a period of cohabitation. Moreover, children born outside Barbados to Barbadian-born parents in or out of wedlock after Barbadian independence were now automatically citizens of Barbados. Persons born outside Barbados to Barbadian parents prior to independence could also receive citizenship, but the amendment did not address persons born prior to independence who were born out of wedlock to Barbadian fathers or to Barbadian women married to foreign men. In addition, under the Citizenship Act, non-Barbadian children adopted by families where the adoptive father was a Barbadian national became Barbadian citizens upon the date of issue of the adoption order.

3. **Mr.** Ricardo **Kellman** (Barbados) said that the Government was carefully considering the legal ramifications of acceding to the Optional Protocol to the Convention.

4. **Ms. Boyce** (Barbados) said that rate of mother-to-child transmission of HIV was close to zero per cent owing to free access to antiretroviral medication. Pregnant women were offered HIV tests and were duly treated to prevent transmission. The National HIV/AIDS Commission worked with men who had sex with men, people with HIV/AIDS and sex workers. A study on the experiences of people engaged in transactional sex work in Barbados had been undertaken by an NGO, which had also provided training and assistance for sex workers wishing to find alternative employment. Under the National HIV/AIDS Commission, the Bureau of Gender Affairs worked to reduce the stigma and discrimination associated with HIV/AIDS, including through presentations at youth camps. Student nurses at Barbados Community College had received training on those topics as well as on how to treat persons with HIV/AIDS.

5. **Ms. Verges** commended the State party for its Urban Enterprise Programme, which had benefited women, and noted the social and financial protection mechanism under which persons earning less than 16,000 Barbados dollars per year could obtain up to BDS$ 1,300 of credit. She wished to know how that mechanism worked, whether it only covered women living in urban areas and whether it provided sustainable social protection. She asked what measures had been taken to ensure equal access to bank loans, mortgages and other forms of financial credit and eliminate discrimination in that area. Similarly, she would appreciate information on policies to encourage women to apply for loans.

6. Noting that only some 40 per cent of the 146 requests for small business status in the period 2000-2007 were approved, she asked why the number of requests had been so low and whether there was insufficient political will to encourage small businesses. In addition, she would appreciate further information on policies to strengthen capacity-building among female entrepreneurs. Lastly, she would appreciate further information on women's participation in social and cultural life, including national sporting events. She asked what measures had been undertaken in that area, particularly to increase the number of women in sports.

7. **Ms. Arocha Domínguez** said she wished to know how the work of the Rural Development Commission to improve the participation of rural women in economic and social activity had been carried out and how different bodies had coordinated their activities to ensure that gender was taken into account in forestry and fishing. She would also be grateful for information on the cultural obstacles to women becoming landowners.

8. In addition, as many women performed unpaid agricultural or household work, she asked how the State party was helping to ensure that such work was recognized as having economic value and deserving remuneration. She also wished to know how poverty alleviation programmes had affected women's empowerment and how many women were benefiting from poverty alleviation schemes. She asked what measures and programmes had been adopted to include women in sustainable development strategies. She also wished to know how women were being helped to face the challenges of climate change and mitigate its impact.

9. She would welcome disaggregated data on anti-discrimination initiatives and information on the life expectancy, level of education and economic participation of women with disabilities in comparison to men with disabilities and the general population. It would also be helpful to have further information on the situation of female migrants and asylum seekers in Barbados and their access to health care, education and social assistance.

10. Given that the Human Rights Committee had expressed concerns in 2007 about the criminalization of sexual activity between adults of the same gender, she asked where the review of legislation on sexual crimes currently stood and whether such provisions of the law had prevented lesbian, bisexual and transgender women from having access to health care. She asked what measures had been undertaken to protect those women from discrimination and what obstacles prevented progress in decriminalizing consensual sexual activity between adults of the same gender.

11. **Ms. Ameline** said that Barbados could serve as a regional model for sustainable development, for example in the area of clean energy. The Sustainable Development Goals had provided a new paradigm of the rule of law and gender equality. In the light of those Goals, she wished to know what measures the Government was taking to ensure that women were not only the beneficiaries of development policies but also agents of change. She asked how the Government planned to adjust existing sustainable development programmes to meet those Goals and what role women would play in sustainable development at the national and regional levels.

12. **Ms. Boyce** (Barbados) said that a new policy would help to promote the activities of female entrepreneurs and small business owners. Her delegation would provide further details of the policy in writing, in addition to statistics on persons with disabilities and female life expectancy. The Government had participated in various conferences to learn about the challenges and successes of other States in implementing the Sustainable Development Goals and the 2030 Agenda for Sustainable Development and was considering establishing a committee to manage implementation of the Goals. All persons requiring medical attention received the necessary treatment regardless of how they identified themselves. As such, lesbian, gay, bisexual and transgender (LGBT) persons were entitled to the same care as all other citizens.

13. **Mr. Gibbs** (Barbados) said that the Government had promoted gender equality through its sustainable development agenda. Progress in that area would build on the country's efforts to achieve the Millennium Development Goals and its long-standing commitment to social inclusion and welfare. Women had been instrumental in developing social policy and the concept of sustainable development.

14. **Mr.** Ricardo **Kellman** (Barbados) said that, in order to empower women economically and strengthen social services, the Government was working to enact new legislation and provide training and practical skills to women. The National Policy on Gender reflected the country's commitment to achieving the Sustainable Development Goals relating to women. Lastly, the National Sports Council provided many inclusive sports programmes and activities for both boys and girls.

Articles 15 and 16

15. **Ms. Song**, commending the State party's efforts concerning equality in marital and family relations, said that women were no longer required by law to take their husband's surname upon marriage, according to the State party's report. She thus wished to know whether women throughout the country had been informed of that right. In view of a large number of reports in recent years of girls running away from home, she asked whether the

Government had looked into the reasons why girls did so, how such cases were handled and what support was given to the girls and their families. Although the Government would seek to abolish corporal punishment in schools, she wished to know why the Government did not seek a similar prohibition in the home and what the major barriers to such a policy were.

16. Given that the country was prone to natural disasters such as hurricanes and earthquakes, and women and children were often the most affected by such events, a gender-sensitive strategy in disaster management and recovery was required. Nevertheless, she was concerned that a gender-based approach had not been explicitly incorporated into natural disaster strategies. Commending the fact that women held leadership positions in various disaster management departments, she wondered whether there were training programmes for emergency workers to raise their awareness about gender issues, the gender impact of natural disasters and the needs of women living in affected areas. She also asked whether there was a mechanism through which women's voices could be heard concerning the impact of natural disasters and if local women were actively engaged in recovery efforts.

17. **Mr. Blackett** (Barbados) said that there was no real consensus with regard to the use of corporal punishment in the country. Although the Ministry of Education had decided to move away from the practice, and it had become less common in recent times, corporal punishment was still generally accepted by Barbadian society, particularly among the older generations.

18. **Mr.** Ricardo **Kellman** (Barbados) said that the Government sought to raise awareness of other methods of discipline and dispute resolution between children and adults, in an attempt to change the culture and attitudes surrounding corporal punishment. There was also a two-month re-education programme aimed at persons who had been identified as domestic abusers on how to discipline children without recourse to violence.

19. The Department of Emergency Management developed, promoted and maintained a comprehensive disaster management programme, which educated citizens about all aspects of disaster management. Gender was one of a number of factors that were taken into account when responding to natural disasters. Local branches of the Department gave training to volunteers on how to provide specific assistance to women and vulnerable groups in disaster situations.

20. **Ms. Gbedemah** said that although corporal punishment had been, and continued to be, a widespread practice, its negative effects were well documented, and alternative methods of discipline should be considered. Furthermore, drawing a distinction between the use of corporal punishment in public settings, namely schools, and private settings, such as the home, served to reinforce the idea that violence was permissible as long as it was not publicly seen.

21. **Ms. Boyce** (Barbados) said that the use of excessive discipline was not permitted under Barbadian law. The Child Care Board was responsible for investigating cases of alleged abuse, and the Probation Department was competent to deal with cases of family violence. Paredos, a local NGO, provided training for young parents in areas such as conflict resolution.

22. No research had yet been conducted on the issue of runaway girls, and no awareness-raising measures had yet been taken by the Government concerning the right of women to keep their own name after marriage, since the amendment had been introduced very recently.

23. **Ms. Song** said that research had shown that persons who had received corporal punishment as children were more likely to be perpetrators of violence later in life. She wished to know whether there were any plans to address the fact that, although the minimum age for marriage was 18 by law, girls could marry as early as 16 years of age with their parents' consent.

24. **Ms. Boyce** (Barbados) said that, even though girls could marry at 16 or 17 with the consent of their parents, such early marriages did not occur in practice.

25. **Mr.** Ricardo **Kellman** (Barbados) said that the issue concerning early marriage had been raised by the Committee on the Rights of the Child, and a review of the relevant laws was currently under way by a legal consultant to explore ways of bringing the minimum legal age for marriage into conformity with the recommendations of the Committee.

26. **Mr. Blackett** (Barbados) said that his delegation was grateful for the useful comments and recommendations made by the Committee, and his Government would do everything possible to act on them within the constraints of the budget and human resources available.

The meeting rose at 4.10 p.m.

United Nations CEDAW/C/SR.1516

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1516th meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 July 2017, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of the Niger

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of the Niger (CEDAW/C/NER/3-4; CEDAW/C/NER/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Niger took places at the Committee table.*

2. **Ms. El Back** (Niger), introducing her country's combined third and fourth periodic reports (CEDAW/C/NER/3-4), said that discrimination against women was a major obstacle to the enjoyment of human rights, which was why her Government had made a priority of combating all forms of discrimination. To that end, the principle of non-discrimination and, in particular, the elimination of discrimination against women had been enshrined in the 2010 Constitution of the Niger. The Government had likewise introduced the national policy on gender and its accompanying action plan for the period 2009-2018 with the aim of creating a society in which men and women, boys and girls, could all enjoy the same opportunities. The policy had recently been updated to take into account current development challenges, such as climate change, security issues and migration, thereby reaffirming the country's commitment to meeting its regional and international obligations in the area of women's rights and development.

3. A national committee had been set up in 2012 to monitor the implementation of the Committee's recommendations. In that connection, various legislative, administrative and institutional measures had been introduced to promote and protect women's rights. For example, the Government had amended the Nationality Code to enable women nationals of the Niger to transmit their nationality to a foreign spouse, thereby placing women on an equal footing with men in that regard. In 2014, the National Agency for Legal and Judicial Assistance had been established with the aim of providing legal assistance to vulnerable groups, including women, and a national charter to improve women's portrayal in the media had also been adopted. Moreover, gender units had been set up in all State institutions in order to incorporate a gender perspective into all development initiatives; the National Observatory for Gender Equality had been created to monitor the effectiveness of the relevant national measures; and a parliamentary network had been established to promote gender issues.

4. The electoral law had been amended in 2014 to increase the gender quota from 10 per cent to 15 per cent for elected positions and thus boost women's participation in political life. As a result, the proportion of women deputies had risen to just over 15 per cent in the 2016 general elections, up by 3 percentage points since 2009.

5. Significant progress had also been made in other areas of life in the Niger. Efforts to combat poverty, for example, had seen the poverty rate reduced from 63 per cent in 2005 to 45.4 per cent in 2014. A number of socioeconomic plans and programmes had also been implemented in partnership with other stakeholders to improve the living conditions of women in the Niger. Such initiatives included a 2017 national strategy for the economic empowerment of women and a solidarity fund, which was aimed at facilitating the socioeconomic inclusion of rural women.

6. In education, steps had been taken to reduce or even eliminate primary school fees, establish school cafeterias for nomadic schools and provide free school meals, thereby encouraging poverty-stricken families to send their children to school. In addition to its commitment to building 2,500 new classrooms per year, the Government had also successfully implemented various measures designed to ensure that girls not only enrolled in school but also completed their studies. As such, the gross enrolment ratio for girls had risen from 62 per cent in 2012 to 76 per cent in 2016, while the proportion of girls completing their primary education had increased from 42 per cent to 69 per cent in the same period.

7. Regarding health, action had been taken to improve the quality and accessibility of health-care services, despite the economic difficulties the country was facing. In that regard,

a number of plans and strategies had been implemented to facilitate access to reproductive health products and improve the sexual and reproductive health of adolescents and young people. Moreover, a "Schools for Husbands" programme had been launched with a view to recruiting men in efforts to promote reproductive health and bring about changes in behaviour. In that connection, the Government had introduced a package of measures aimed at ensuring access to free health-care services, reducing the maternal and neonatal mortality rates, and preventing and treating sexually transmitted diseases, including HIV/AIDS. In addition, mother-and-child centres had been established in all regions of the country. As a result, there had been a marked decrease in the maternal mortality rate, an increase in the number of assisted births and an improvement in the overall health of mothers and their children.

8. Gender-based violence, child marriage and female genital mutilation continued to be areas of concern for the Government, which had worked tirelessly towards eliminating those practices. For example, in 2017, it had launched a national strategy to prevent gender-based violence, which included capacity-building and awareness-raising measures. Efforts to reduce the high rates of child marriage and early pregnancy included the "*Illimin*" initiative for adolescents, which had provided safe spaces for some 32,000 teenagers in 2017.

9. Notwithstanding the progress made in the Niger, much remained to be done, such as the withdrawal of the country's reservations to the Convention, the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and the adoption of the personal status code. However, the Government was convinced that improving the situation of women was key to the country's socioeconomic development. For that reason it was committed to working in close cooperation with all stakeholders to develop specific measures to bolster women's rights.

Articles 1 to 6

10. **Ms. Schulz** said that, while impressive progress had been made in the Niger, such as the introduction of various laws and measures to improve the situation of women, she was concerned that reforms of discriminatory legislation appeared to have stagnated. Moreover, the State party's reservations to articles 2 (d) and (f) and 16 (1) (c), (e) and (g) of the Convention were contrary to the object and purpose of the Convention and undermined the Government's efforts to foster gender equality. Recalling that the State party had accepted the recommendations made during the Human Rights Council universal periodic review in 2016, she wished to know whether the Government had now committed to a specific time frame for the withdrawal of its reservations, whether it was working with civil society and religious organizations to that end, and whether it intended to take the lead on implementing the provisions of the Convention in the Niger, irrespective of obstacles created by religious groups or related to traditions or customs.

11. Regarding access to justice, she wondered what training had been provided to judges, law enforcement officers, medical staff and social workers regarding women's rights and the provisions of the Convention; what action had been taken to tackle corruption and nepotism; and whether awareness-raising activities had been carried out to inform the customary authorities of women's rights. She asked whether the system of legal assistance was functioning in all areas of the country, whether it had sufficient resources and whether it was available to women whose cases were being processed by the customary authorities.

12. Attacks against civilians by Boko Haram and other armed groups had led to mounting insecurity in the State party, caused an influx of refugees from neighbouring countries and given rise to large numbers of internally displaced persons in the Niger, most notably in the Diffa region. In that connection, she asked when the Government envisaged enacting the implementing decree on the law on the status of refugees, which had been pending for more than a year; whether the State party had any plans to introduce legislation regarding internally displaced persons; what measures were in place to support refugees and internally displaced persons who were living in extremely vulnerable situations; and what steps had been taken to facilitate the uninterrupted distribution of food to the 1.3 million persons affected by the food crisis in the Diffa region and ensure their unfettered access to education and health care. Recalling Security Council resolution No. 1325 (2000)

on women and peace and security, she wondered whether the Government intended to establish an independent mechanism to investigate allegations of human rights violations and acts of violence committed by the security forces and armed opposition groups and, if so, to what extent women would be able to participate in that process. In that connection, what measures had been taken to involve women in the process of investigating, prosecuting and reintegrating perpetrators of atrocities, thereby preventing impunity?

13. **Ms. Ameline** said that the Niger was fighting challenges on several fronts — notably terrorism, the crisis in the Lake Chad region and the issue of migration — that had a destabilizing effect on the country and posed a threat to women's rights. With those challenges in mind, she wondered whether the Niger had sought any regional or international solutions and, if so, whether it was considering participation in some of the regional efforts already under way.

14. The Government was to be commended for its courageous approach to the migrant situation and the ambitious programmes it had launched in cooperation with neighbouring countries. In that regard, she wished to know what comprehensive strategies the Government intended to roll out in conjunction with neighbouring countries and the international community to prevent large migration flows. She wondered to what extent the gender dimension had been taken into account in strategies concerning migrants, and how civil society and the media, including social networks, could be utilized to help prevent women migrants from becoming victims of trafficking.

15. **Ms. El Back** (Niger) said that the Government was fully committed to the advancement of women and respect for their rights and was working tirelessly to create the conditions necessary for it to withdraw its reservations to the Convention. For example, it had set up a committee and launched a three-year communication plan with a view to achieving the withdrawal of its reservations. Regarding Boko Haram, the Government was doing all it could to combat the threat posed by that and other armed groups and, despite the challenges it faced on a number of fronts, was making some headway.

16. **Mr. Hachimou** (Niger) said that the Government was working with civil society and religious organizations, among other stakeholders, with a view to implementing the provisions of the Convention. For example, a consultation framework had been in place since 2014, and regular meetings were held to raise awareness of new projects and programmes.

17. The Government was doing its best to manage the situation in respect of both inbound and outbound migration. It had, for example, commissioned a study, in cooperation with the United Nations Children's Fund (UNICEF), to find out the reasons underlying the migration of women and children of the Niger in the north of the country, where some 92 women and children had perished trying to reach the Maghreb. It was hoped that the results of the study would help the Government develop strategies to combat migration.

18. **Mr. Ousseini** (Niger) said that the National Agency for Legal and Judicial Assistance had initially been set up in the capital city, Niamey, in order to provide legal assistance to vulnerable persons, including women. Regional offices had now been established in all 10 of the country's main courts nationwide, and there were plans to roll out the initiative to a further 40 district courts around the country. Lastly, the Government was working in conjunction with a number of international partners to ensure that sufficient human and financial resources were provided to that Agency.

19. **Mr. Hachimou** (Niger) said that, as the Minister for the Advancement of Women and Protection of Children had been able to confirm during a recent visit to the Diffa region, the distribution of food to camps for displaced persons in that region was effectively managed in conjunction with various partners. Members of the Armed Forces were well-disciplined and did not commit acts of violence against internally displaced persons.

20. **Ms. Mounkeila** (Niger) said that, following national consultations on the administration of justice, a national policy on justice and human rights had been adopted in 2014 and a related plan for 2015-2025 had been established. The purpose of the policy was to make the justice system more accessible and more effective in protecting citizens' rights.

The question of access to the legal and justice system had been addressed through an action plan and strengthened by the implementation of a national human rights plan, in accordance with which offices were being opened by district courts around the country.

21. Since the start of the attacks by Boko Haram, the Office of the United Nations High Commissioner for Human Rights had conducted three missions to Niger with a view to assessing the human rights situation in the context of the conflict. The reports drawn up in the wake of those missions had stressed that, despite the challenges posed by the conflict, the national defence and security forces were operating in in a manner that was respectful of human rights and were not engaged in killing or torturing.

22. The Niger had adopted a law on the illegal smuggling of migrants and had extended the competence of the National Agency for Combating Trafficking in Persons and other bodies working in the area of migration.

23. **Ms. Ameline** said that, in the face of the terrorism and migration crisis, the State party should not only defend human rights but also consolidate the rule of law as a response to that crisis. A legal framework that would protect human rights, particularly the rights of women, should be promoted as a means of opposing the prevailing state of disorder. In that regard, she wished to know whether, in accordance with the Sahel development plan, the State party was receiving sufficient support from all its international partners. Noting that the State party's conflict with Boko Haram was ongoing, she asked what urgent measures were being taken to prevent violations of women's human rights in the context of that conflict.

24. **Ms. Schulz**, noting that the majority of the population turned to traditional authorities rather than the State courts when they wished to resolve a dispute, said that she wished to know whether legal or judicial assistance was made available to persons who brought complaints before traditional authorities.

25. She asked what steps were being taken to introduce a legal framework for internally displaced persons, what the timeline was for the adoption of the decree implementing the law on the status of refugees and what measures were being taken to support internally displaced persons and refugees in situations of extreme vulnerability.

26. **Ms. Gabr** asked whether, in considering the possibility of withdrawing its reservations to certain articles of the Convention, the State party had studied the examples set by other Muslim countries who had not entered, or had decided to withdraw, reservations.

27. **Ms. Jahan**, noting that the draft document on the personal status code had not been adopted owing to the hostility of certain social groups, said that she wished to know whether the State party intended to adopt a new draft in consultation with civil society and with community and religious leaders, including those who might be expected to oppose such an initiative. In view of the fact that over 70 per cent of the population of Niger was under the age of 25, she asked what measures would be taken to involve young people in the process of reviewing the draft personal status code. Lastly, she asked whether the State party would consider seeking the advice of the Governments of other Muslim-majority countries that had taken steps to improve the status of women, promote the principle of gender equality in their personal status laws and reconsider religious interpretations that appeared to perpetuate gender inequality and harmful stereotypes.

28. In order to promote reflection on the relationship between faith and human rights, the State party might wish to consider organizing a symposium similar to the one held in Dakar in May 2017 on the rights of women and children from the perspective of Islam.

29. **Ms. Hayashi**, noting that the State party's three-year communication plan for considering whether to withdraw its reservations to the Convention was in its final year, said that she wished to know whether the Government envisaged extending the plan and whether religious and traditional leaders had been invited to discuss it.

30. **Mr. Hachimou** (Niger) said that in April 2017 representatives of the Government and a delegation from Washington had travelled to the Diffa and Tillabéri regions to visit the camps for internally displaced persons. In collaboration with its partners, the

Government was drawing up a strategy aimed at displaced persons in those regions. The strategy would be implemented in 2018; the projects being developed were similar to those implemented in the Democratic Republic of the Congo, which faced similar challenges.

31. As for the possible withdrawal by the Niger of its reservations to the Convention, in March 2014 a national forum on population and development had been attended by civil society organizations, Islamic scholars, representatives of the provincial authorities and representatives of other Muslim-majority countries, including academics from Egypt, Indonesia, Ghana and Tunisia. At the forum, efforts had been made to explain to the Islamic scholars present that human rights were not incompatible with Islam. The recommendations issued in the wake of the forum had been translated into Arabic and the various national languages and disseminated around the country, and consultations between the Government and religious leaders had been organized.

32. **Mr. Garba** (Niger), responding to the question on a legal framework for internally displaced persons, said that, since treaties that had been ratified took precedence over national laws, it was possible to state that legislation on internally displaced persons was in place and the relevant treaties could be invoked before the courts.

33. In order to address the problems arising from migration, the Government was participating in the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants. The programme in question focused on strategies to develop legislation, capacity-building measures, regional and transregional cooperation and the provision of assistance to victims of trafficking. It placed particular emphasis on the protection of vulnerable persons such as women and children.

34. At the government level, several projects and draft bills aimed at lifting the reservations to the articles of the Convention had been blocked by parliament. However, it was hoped that awareness-raising campaigns aimed at religious leaders would eventually make it possible for the reservations to be withdrawn.

35. **Mr. Ousseini** (Niger) said that, under legislation adopted in 2015, traditional and customary leaders were competent to mediate in disputes but could not issue rulings in litigation proceedings. As such leaders were not part of the official justice system, persons who appealed for their assistance in resolving disputes were not entitled to legal assistance.

36. In 2015, around 583,000 persons displaced by the actions of Boko Haram had been sheltered in the Diffa region, where they were supported by the State and its many partners. Over 71 billion CFA francs had been raised to pay for their food, water, sanitation, transport, health care and education.

37. The legislation on the personal status code that was due to be adopted predated the ratification of the Convention by the Niger. The National Assembly, using the freedom granted to it under the principle of the separation of powers, had blocked legislation aimed at withdrawing reservations to the Convention. However, the parliamentary network for gender issues had been established to encourage parliamentarians to accept legislative changes that they might otherwise have opposed.

38. **Ms. Tampone** (Niger) said that displaced women in the Diffa region had access to health-care centres. A mission conducted to that region in 2012 had found that many pregnant women were attending such centres and receiving care.

39. **Ms. El Back** (Niger) said that, on a visit to the Diffa region, she had been able to confirm that the State and its partners were providing effective support and assistance to internally displaced persons, who had access to health care, literacy programmes and awareness-raising programmes and could participate in income-generating activities.

40. Although it was not customary for individuals in Niger to have family names, a project was under way which would enable citizens to establish their civil status on the basis of their date of birth and a chosen family name.

41. **Mr. Hachimou** (Niger) said that the system governing the attribution of civil status was being overhauled. As part of that process, the national policy on civil status had been adopted in 2015.

42. Responding to the question about extending the three-year communication plan regarding the withdrawal of reservations to the Convention, he said that an assessment of the plan would be conducted when it was complete and any ensuing recommendations would be implemented.

43. **Ms. Jahan** asked what measures were being taken to raise parliamentarians' awareness of the importance of adopting the personal status code and other legislative changes that might require their approval.

44. **Ms. El Back** (Niger) said that the relatively low number of women parliamentarians made it difficult for certain pieces of legislation to be adopted. As a result of the adoption of the Quota Act, however, the number of women parliamentarians had risen from 1 in 1993 to 27 in 2017. Efforts were being made to engage with women parliamentarians, who were fighting to bring about change.

45. **Mr. Hachimou** (Niger) said that, several years previously, there had been a struggle in parliament over the adoption of legislation on reproductive health. On the first reading of the bill in question, it had been rejected. However, following an intensive awareness-raising campaign, the bill had been adopted on second reading. Such campaigns, together with the support of civil society and the women's parliamentary network and engagement with Islamic scholars, would help ensure that further changes could gradually be made to the country's legislation.

46. **Ms. Schulz** said that, although the Government was to be commended on its efforts to support women parliamentarians, it had become clear to the Committee through discussions with delegations from many countries that men also had to participate in the struggle to promote women's rights since those rights concerned the whole of society.

47. **The Chair**, speaking as a member of the Committee, said that the State party was to be commended on the adoption of the decree establishing the National Observatory for Gender Equality and on the establishment of gender focal points and a 10-year national action plan to implement the national policy on gender. She wished to know what financial and human resources had been allocated to the National Observatory, the focal points and the implementation of the national action plan.

48. Noting that the State party had established a national human rights commission, a 10-year plan for the implementation of that commission and a parliamentary network for gender issues, she asked whether, in line with the recommendation issued by the Committee (CEDAW/C/NER/CO/2, para. 20), the State party would clearly define the mandates of the different mechanisms responsible for promoting gender equality and ensure that they cooperated with each other in working towards their goals. In that regard, she asked who the members of the National Observatory for Gender Equality were, whether the National Observatory operated as an ombudsman, whether it was empowered to bring legal cases of gender-based discrimination before the courts, how many gender focal points there were, whether those focal points were individuals and whether their sole responsibility was to promote women's rights.

49. She asked what the main goals of the parliamentary network for gender issues were, what results the network had achieved, how many pieces of legislation that would have been detrimental to the rights of women had been blocked by the network and whether its membership consisted solely of women parliamentarians.

50. **Ms. Verges** said that, although she wished to commend the State party on improving the quota system for elective offices, she was concerned to note that the rise in the quota from 10 to 15 per cent represented a very slow rate of improvement. In that regard, she asked what plans were in place to increase the quota more quickly and what other improvements had been introduced in the new law. Noting that the quota of 25 per cent for government members and senior public posts would be difficult to implement without a clear definition of the nature of the positions concerned, she asked how that figure was calculated, whether it applied exclusively to senior positions, including positions within the Government, and how the term "senior positions" was defined.

51. With regard to the socioeconomic projects and programmes listed in the replies to the list of issues (CEDAW/C/NER/Q/3-4/Add.1, para. 22), she wished to draw attention to

the distinction between temporary special measures, which were established to correct instances of discrimination and then repealed when they were no longer necessary, and economic and social programmes. Noting that disparities continued to exist between the proportion of women and men employed in different sectors of the civil service — some of which did not employ any women in decision-making positions — she asked whether any temporary special measures had been taken to correct such disparities.

52. **Ms. El Back** (Niger) said that the Ministry for the Advancement of Women and Protection of Children bore overall responsibility for promoting gender equality and, to that end, had established the National Observatory for Gender Equality, which served as an independent monitoring body. Nearly all government ministries had appointed focal points responsible for mainstreaming a gender perspective into their activities. Although the action plan for its implementation was in force, the national policy on gender was still being updated to address a number of emerging concerns. Efforts to promote gender equality were supported by public officials and partners who provided capacity-building and financial assistance. There was also a separate budget line for gender-related activities.

53. Following the amendment of Act No. 2000-008, which had introduced a quota system for women's representation in decision-making bodies, the quota for elective positions had been raised from 10 to 15 per cent. Out of 42 government ministers, 8 were women and a further 3 women were employed as ministerial advisers. Although progress was slow, with the support of civil society, the Niger hoped to raise the quota to at least 30 per cent in the future.

54. **Mr. Hachimou** (Niger) said that, since its establishment, the Ministry for the Advancement of Women and Protection of Children had always been led by a woman. The National Observatory for Gender Equality, which was tasked with overseeing the implementation of the national policy on gender, was composed of a variety of stakeholders, including government officials and civil society representatives. *Postes supérieurs*, or high-level positions, were positions within the Government to which individuals were appointed by decree, such as a minister or a director of a government department or other State institution. Diplomatic staff were also appointed in that fashion; at least 25 per cent of the country's diplomatic representations were currently headed by women.

55. **Ms. Tampone** (Niger) said that the quota of 15 per cent for elective positions and the quota of 25 per cent for appointed positions established in the amended Act No. 2000-008 were minimum and not maximum quotas.

56. **Mr. Ousseini** (Niger) said that the purpose of the parliamentary network for gender issues was to help create an enabling environment for achieving gender equality and equality of opportunity between men and women, and to monitor and intervene in discussions on issues affecting women raised in the National Assembly. The network enjoyed the support of several national institutions, which provided regular training to its members. Under the amended Act No. 2000-008, all political parties were required to ensure that at least 15 per cent of the candidates on their electoral lists were women.

57. **The Chair**, speaking in her capacity as an expert, said that, in many national parliaments, there were informal parliamentary groups for women that were active in ensuring that public policies were gender-sensitive and in blocking laws that would impede the exercise of women's rights. She asked whether the parliamentary network referred to by the delegation performed a similar function and whether it could be considered part of the national machinery for the advancement of women.

58. **Ms. Verges** said that, while civil society might be able to assist the State party in increasing the quotas for elective and appointed positions to 30 per cent, the onus was on the State party itself to take the action necessary to translate that desire into reality. It would be useful to know the total number of appointed positions to which the 25 per cent quota applied in order to determine whether it had in fact been reached.

59. **Ms. El Back** (Niger) said that the parliamentary network for gender included both male and female parliamentarians. While there was no bar to female parliamentarians coming together to form informal working groups, such groups would not be recognized as having official status. Civil society would remain an important partner for the Government

as it worked towards raising the quotas for elective and appointed positions to 30 per cent and should not be sidelined. Although the delegation could not specify the exact number of appointed positions covered by the 25 per cent quota at that time, the quota in question was generally respected.

60. **Ms. Tampone** (Niger) said that the 25 per cent quota had indeed been exceeded within the diplomatic service, as 28 per cent of diplomatic representations were currently headed by women. The 25 per cent quota applied to all decision-making positions within the Government. Any failure to comply with the quota was reported to the judicial authorities.

61. **Mr. Hachimou** (Niger) said that, although the delegation was not in a position to provide comprehensive statistical data on appointed positions at that time, such data were routinely collected at the ministerial and departmental levels. In some ministries, the minimum threshold of 25 per cent had been largely exceeded. For example, gender parity had been achieved in the Ministry for the Advancement of Women and Protection of Children, attesting to the Government's commitment to achieving gender balance at the decision-making level.

62. **Mr. Ousseini** (Niger) said that high-level positions were defined by law and that those positions automatically fell within the scope of the 25 per cent quota.

63. **Ms. Chalal** said that, while the Committee welcomed the various initiatives undertaken by the State party to create an enabling environment for the full and equal enjoyment by women of their rights and fundamental freedoms, it remained concerned that, 18 years after ratifying the Convention, the Niger had still not withdrawn its reservation to article 5 (a) with regard to the modification of social and cultural patterns of conduct of men and women. The withdrawal of that reservation was a precondition for the elimination of prejudices and customary practices based on the idea of women's inferiority or on stereotyped roles.

64. Gender-based violence, which was prevalent in the Niger, seemed to be exacerbated by the high poverty and illiteracy rates among women. Furthermore, the Committee had received information to the effect that the early or forced marriage of girls aged 15 years or under was quite common and widely tolerated in society. She reminded the State party that early marriage effectively precluded girls from attending school and could have negative implications for their health. Although the prevalence of female genital mutilation had fallen slightly in recent years, the practice remained widespread in certain regions of the country, despite it having been outlawed in 2013. Moreover, the traditional practice known as "*wahaya*" or the taking of a "fifth wife", which constituted a form of sexual and physical slavery, was reported to persist in the State party.

65. She asked whether the State party planned to adopt legislative measures to prohibit the practice of *wahaya*, as well as early and forced marriage, and to raise the age of marriage for girls to 18 years. She also wished to know whether the State party intended to introduce a mechanism to monitor the application of articles 232.1 to 232.3 of the Criminal Code, which prohibited and punished female genital mutilation. The delegation might also indicate whether the State party had involved religious and traditional leaders in its awareness-raising efforts and whether it planned to increase the involvement of the media in awareness-raising initiatives, which had proven extremely effective in certain communities. She asked what targeted measures the gender-based violence division of the Directorate for the Promotion of Female Leadership, the National Observatory for Gender Equality, the National Human Rights Commission and the Ombudsman had adopted to promote an image of women as being equal to men and key development partners. Could the early warning mechanism of the National Human Rights Commission open an investigation into allegations of gender-based violence on its own initiative as soon as a complaint was lodged? How did the State party plan to deal with the tendency of many women to remain silent in the face of violations of their rights? Did the State party intend to withdraw its reservation to article 5 (a) of the Convention in the near future?

66. **Ms. Gabr** said that, despite the legislative measures adopted to combat human trafficking and the training dispensed to the police on how to identify and care for victims, the Niger remained a country of origin, transit and destination for victims of that

phenomenon, who were often forced into marriage, prostitution or labour. The paucity of information available on the number of criminal investigations into trafficking and the number of prosecutions brought against and penalties imposed on traffickers was regrettable, as it prevented the Committee from assessing the prevalence of human trafficking in the Niger and from helping the State party identify solutions. She would appreciate an explanation as to absence of that information. The Committee had received reports that marabous, who were not subject to adequate oversight, often forced women and girls into begging, early marriage and sexual slavery for a profit. She would like the delegation to comment on the veracity of those reports.

67. She asked how the State party ensured that anti-trafficking legislation was properly enforced; how it guaranteed vulnerable persons access to justice; and how it protected victims of trafficking who wished to testify or assist in an investigation against reprisals. She would also like to receive an update on the cases of slavery that had been pending for several years and information on any new cases recorded in 2016. The delegation might also explain the delay in processing those cases. As slavery was prohibited by the Constitution, the State party was obliged to adopt robust measures to combat it. It would be helpful to hear more about the measures taken to investigate, prosecute and punish public officials who were involved or complicit in human trafficking. She asked what support and assistance services were available to victims of trafficking, particularly those who were forced into slavery or prostitution. She would like to learn more about the protocol for identifying victims of trafficking, including the identification mechanism that was still to be approved by the National Assembly, and to know whether there were any shelters for female victims in the national territory and, if so, whether they were State-funded.

68. The Committee had learned from alternative sources that many women and girls who were forced into marriage were subsequently trafficked across international borders and made to engage in domestic work, prostitution and forced labour. She asked what strategies the State party had put in place to tackle the different forms of exploitation resulting from human trafficking and to help women rebuild their lives once they had been freed from exploitation.

69. Lastly, she wished to know whether the State party had considered strengthening its cooperation with the African Union in the fight against human trafficking, people smuggling and clandestine migration.

70. **Ms. El Back** (Niger) said that the Niger was a member of the African Union and as such was obliged to take steps to implement the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. The quota system for women's representation in decision-making bodies was but one of the remedial measures taken to reduce gender inequality. The Government had to show sensitivity in its efforts to correct social and cultural practices that were discriminatory against women. It had already conducted a number of awareness-raising campaigns and taken a number of steps in that direction. The most recent advances in the fight against early marriage and female genital mutilation were set out in the report.

71. **Mr. Hachimou** (Niger) said that considerable progress had been made in breaking down gender stereotypes in the field of employment and in promoting fathers' active involvement in child-rearing. A programme known as "*Illimin zaman douniya*" had been rolled out with the aim of reducing the prevalence of early marriage and teenage pregnancy. Moreover, some 300 safe spaces had been opened to receive and educate teenage girls about the dangers of early marriage. During their stay in the safe space, they received literacy and vocational training and, upon leaving, were more likely to refuse to enter into an early marriage and report it to the authorities. There were plans to open additional safe spaces in all regions of the country with the support of various State institutions and international NGOs. It was hoped that the expansion of the network of safe spaces would help eradicate the practice of early marriage. In that connection, the Government was in the process of devising a national action plan to put an end to that phenomenon within the framework of a campaign launched by the African Union in 2015.

72. **Ms. Mounkeila** (Niger) said that slavery was prohibited by the Constitution and the Criminal Code and that Order No. 2010-086 on combating trafficking in persons dealt with

slavery and similar practices. There was therefore no need to adopt new legislation to criminalize the practice of *wahaya*. Criminal proceedings had already been brought against persons engaging in the practice. The prevalence of human trafficking was high on account of the country's land surface area, porous borders and status as a country of origin and transit for migrants. The delegation recognized the need to provide the Committee with up-to-date statistical data and would endeavour to include such information in its future reports. As to the support available to victims of trafficking, Order No. 2010-086 provided for the establishment of a compensation fund for their benefit. Following the adoption of the relevant decree, the Government had begun the process of setting up the fund with the assistance of several partners.

73. **Mr. Ousseini** (Niger) said that, under existing legislation, legal assistance was available to all persons regardless of their sex or income, and legal aid was provided for vulnerable groups. In particular, legal aid was provided for women, including foreign nationals, irrespective of their level of income, in cases relating to divorce, child custody and maintenance. All women of the Niger and foreign women who were victims of violence were entitled to legal aid. While "repudiation" — the dissolution of a customary marriage — was a unilateral decision on the part of the husband, it was only permissible under customary law, and strict rules applied concerning the husband's duty to continue to provide for his wife and the prohibition of violence.

74. The National Human Rights Commission could take up cases on its own initiative, launch investigations and propose sanctions. The Ombudsman was authorized to hear cases of individuals against the State — but not cases between individuals — provided that those cases were not already being examined by the court.

75. **Ms. Tampone** (Niger) said that following an initial study by the division for the development of strategies to combat gender-based violence, established in 2011, to determine the extent and analyse the determinants of violence against women, a national prevention and response strategy and action plan had been developed in 2017. It would be implemented with the support of financial and technical partners. Capacity-building activities had been conducted for front-line stakeholders, law enforcement agencies, government officials and civil society representatives. There were plans to ensure that gender-based violence was covered in police training.

76. **Ms. Chalal** asked whether the Government envisaged introducing a law to prohibit early marriage and to raise the minimum age of marriage for girls to 18 years.

77. **Ms. Gabr** asked whether the Government might consider accepting technical assistance from the African Union to address the problem of trafficking in persons. She asked about the coordination between the National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for Combating Trafficking in Persons regarding legal proceedings and victim identification mechanisms. She would like further information on the role traditional leaders played in victim assistance and on efforts to address early marriage and prostitution.

78. **Ms. Schulz** said that she would like to know what percentage of marriages in the Niger were performed under civil, rather than customary, law, in order to gauge what proportion of the population could take marriage-related cases before the civil courts.

79. **Mr. Hachimou** (Niger) said that his Government had spearheaded a campaign in the African Union to end child marriage. A committee, composed of State and civil society representatives and development partners, had been set up to establish an action plan to eliminate early marriage. Ending early marriage required a progressive approach and legislation would be drawn up if a consensual action plan contained a recommendation to that end.

80. **Ms. El Back** (Niger) said that education was obligatory for all children up to the age of 16 years, which helped to prevent early marriage. Awareness-raising campaigns were conducted among traditional and religious chiefs; community framework programmes on early marriage had been developed involving leaders and women's groups; and a number of initiatives had been rolled out for the benefit of adolescents and future husbands.

81. **Mr. Ousseini** (Niger) said that the draft personal status code, which addressed all aspects relating to marriage, including the minimum age, and the bill on the protection of school-age girls, which prohibited marriage of girls who were below the minimum age for the end of compulsory education, were under consideration by the Government. Customary law was applicable by default with regard to marriage but individuals could opt for a civil marriage. Given that the vast majority of the population of the Niger was Muslim, most people chose to marry under customary law.

82. **Mr. Hachimou** (Niger) said that there had been a steady decrease in the rate of female genital mutilation in recent years, down to 2 per cent in 2012. In some regions, inhabitants were not even aware of the phenomenon. The Multi-Indicator Demographic and Health Survey due to be carried out in 2017 would provide updated statistics. Legislation had been enacted setting out sanctions for female genital mutilation and various civil society organizations were working in that area, often with the financial support of international organizations.

83. **Ms. Gabr** asked how the special compensation fund for victims of trafficking operated and whether practical assistance was offered to victims.

84. **Mr. Ousseini** (Niger) said that the fund had not yet been set up. A draft decree had been examined and approved by the legislative reform committee and would shortly be presented to the National Assembly for adoption. Amendments to anti-trafficking legislation had not yet been enacted.

Articles 7 to 9

85. **Ms. Verges** asked what percentage of appointed offices were held by women and what measures were in place to address the absence of women in the posts of governor, secretary general of a governorate and prefect. She would like to have statistics on women's representation in NGOs and associations. What strategies and measures had been taken to increase women's representation in international organizations and in diplomatic posts at all levels?

86. **Ms. Schulz** asked when the Government expected to achieve universal coverage of birth registration in the country and whether the activities that had resulted in the significant advances in birth registration were funded by the State or from an external budget, as the sustainability of such efforts would be influenced by the availability of resources.

87. **Ms. El Back** (Niger) said that it was hoped that the rate of birth registration could be further improved with the support of civil society. With regard to appointed offices, there had been two women governors at the regional level over the previous 10 years. Efforts were being made to ensure that women occupied government posts. Women's collectives, which included many representatives of NGOs, were at the forefront of initiatives to improve women's representation.

88. **Ms. Alou** (Niger) said that women occupied just over 25 per cent of posts in embassies and consulates. Under the rules on other diplomatic posts, public servants who had been working in the Ministry of Foreign Affairs for five years were posted abroad for four years and returned to work in the country for another five.

89. **Mr. Hachimou** (Niger) said that women were represented in international organizations, including in United Nations country offices in the region. Some progress had been made in that respect since the periodic report had been submitted; for example, two deputy secretary generals of governorates, two prefects, one general secretary of a prefecture and a handful of deputy secretary generals in ministries were women.

90. **Ms. Mounkeila** (Niger) said that, owing to the legal requirement to register births within a certain time period and the strengthened capacity of registry offices, the birth registration coverage rate was expected to reach 100 per cent in the near future. Moreover, the enhanced registration procedures would help avoid statelessness among internally displaced persons and refugees in the Niger.

91. **Ms. El Back** (Niger) said that mobile units travelled to villages across the country to register births.

92. **Ms. Verges** said that, given the importance of women's representation at the local level, the low number of women mayors should be addressed. Awareness-raising campaigns could also be conducted to foster women's representation in international bodies.

93. **Ms. El Back** (Niger) said that in view of the fact that the position of mayor was an elected office, more girls and women needed to receive an education in order to attain a sufficient academic level to stand for election. Accordingly, efforts were being made to ensure girls attended educational establishments.

Articles 10 to 14

94. **Ms. Song**, noting the low school enrolment rate for girls at the lower secondary level, asked whether incentives had been developed to help families send their children, particularly girls, to school; whether programmes had been developed in cooperation with civil society to provide financial support for girls' education; and whether there were programmes to sensitize parents to the importance of girls' schooling and the need to overcome gender stereotypes that limited girls' access to education. With regard to upper secondary education, she asked what accounted for the low admission rate for girls. Given the restricted access to school for child mothers and pregnant girls, she asked what measures were in place to ensure child mothers could receive an education and whether circular No. 047/MEN/DEST/EX of 15 November 1975 might be revised in order to remove discriminatory restrictions. She asked what measures were taken to help girls who had not been able to complete the education cycle. With regard to tertiary education, she would like to know what percentage of college students were female, what support was offered to girl students from poor families and whether girls were encouraged to pursue non-traditional subject areas.

The meeting rose at 1 p.m.

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Summary record of the 1517th meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 July 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of the Niger (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of the Niger (*continued*)
(CEDAW/C/NER/3-4; CEDAW/C/NER/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Niger took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Haidar** said that, in spite of numerous provisions in the Constitution of the Niger, the Labour Code and conventions of the International Labour Organization (ILO) prohibiting discrimination against women in the workplace, 97 per cent of active women worked in the informal sector and fewer than 1 per cent were formally employed in the private sector, according to figures from 2013. Furthermore, women still required permission from their husbands to work. She would like such inequalities to be tackled as a priority in the country's implementation of the 2030 Agenda for Sustainable Development. She would welcome information on the regulations adopted to implement the new Labour Code in terms of equality and non-discrimination, and on the measures taken to raise awareness of the new provisions among workers and employers. She would like the delegation to explain the progress made since 2012 in translating de jure equality into de facto equality, and to submit the relevant statistics disaggregated by sex. She also wished to know whether the State party would consider introducing temporary special measures to increase the number of women in the formal labour market, particularly the public sector.

3. It was heartening to see that article 45 of Law No. 2012-45 prohibited the abuse of authority to obtain sexual favours, but the prohibition should be extended to any kind of sexual conduct that created an intimidating, hostile or humiliating environment for the recipient; also, the article should apply not just to employers or superiors, but also to colleagues, clients and anyone else in the workplace. She wished to know what specific measures had been taken in conjunction with workers' and employers' organizations to combat workplace harassment, and what remedies, procedures and penalties were available in sexual harassment cases.

4. Although there was no set list of jobs that women were prohibited from doing, article 109 of Act No. 2012-45 was often interpreted as banning women from certain jobs based on stereotypes. She would appreciate an explanation as to how the Government ensured that such provisions were applied solely to protect the reproductive capacity of women and the health of pregnant women and their unborn child. She also wished to know how workers with family responsibilities were protected from termination of employment.

5. **Ms. Hofmeister** said that it would be helpful to have information on the practice of female genital mutilation in the country. In particular, she wished to know how the health-care system dealt with the physical and psychological problems faced by women who had suffered female genital mutilation, and how many babies died following the procedure. She also wished to know what financial burden female genital mutilation placed on the State party's health-care budget.

6. Given the high rates of maternal and child mortality and the low life expectancy of women, she would welcome comprehensive data in that regard. She would also appreciate information concerning the medical aspects of sexual and reproductive rights, namely: the fertility rate and access to contraceptives in rural areas; safe abortions for all women who needed them; early motherhood; and breastfeeding. Information on specific health-care programmes for sex workers and victims of human trafficking would also be useful.

7. She would like the delegation to comment on the State party's policy towards HIV/AIDS patients, and whether it incorporated a gender perspective. She also wished to know whether there were measures to protect and care for orphans and children living in poverty, and she would welcome information on measures to tackle malnutrition among women, especially mothers. Furthermore, she would like the delegation to state how the

State party combated cancer, what prevention programmes were in place, and how the programmes were implemented in practice. Information on the new Health Care Development Plan would be appreciated.

8. **Ms. El Back** (Niger) said that a strategy to increase the enrolment rate of girls was in place and significant progress had been made: the education rate among girls had increased by 8 percentage points between 2012 and 2016, and the enrolment rate of girls in primary education had increased by almost 30 percentage points over the same period. The Government had announced that education would be free of charge, and school meals were provided to encourage school attendance, particularly among nomadic peoples. No girls had been excluded from school for being pregnant; there were cases where girls had voluntarily left school, but they had later returned to complete their studies.

9. **Mr. Hachimou** (Niger) said that the number of female students in higher education had increased tenfold between 2005 and 2015. With the support of its partners, most notably the Economic Community of West African States, the Government provided bursaries to girls from vulnerable families to increase enrolment and promote attendance among those groups.

10. **Ms. El Back** (Niger) said that the State party's labour law did not discriminate between the sexes: women were paid the same as their male counterparts for equal work. The informal sector was a problem since the banking system had not been open to women. However, a savings and credit union, the Mutuelle d'Epargne et de Crédit des Femmes, had been set up specifically for the female population. Many women had set up accounts and were thus able to work in the formal sector.

11. **Mr. Hachimou** (Niger) said that women did not need their husband's permission to enter the labour market under the Labour Code.

12. **Ms. Mounkeila** (Niger) said that the right to nourishment was enshrined in the 2010 Constitution. The country was making efforts to reduce the rate of mortality due to acute malnutrition among children. A vast network of almost 1,000 centres for severe cases of malnutrition, and a further 1,000 for more moderate cases, was in place. Furthermore, the "Nigeriens feeding Nigeriens" initiative provided funding to address the issue.

13. Measures had been taken to ensure that care and prevention concerning HIV/AIDS, and prevention and screening for cancer, were free of charge. The State party was thus able to manage those health concerns, although, due to financial constraints, it was not able to maintain a free and universal health service. A number of specialist centres had been set up to prevent mother-to-child transmission of HIV. Action had been taken to raise awareness and change behaviour in that regard.

14. **Mr. Hachimou** (Niger) said that the life expectancy of women was in fact higher than that of men. A centre for cancer control, which would provide chemotherapy and radiotherapy for patients, had been set up with support from the International Atomic Energy Agency (IAEA). The President of the Niger would inaugurate the centre before the end of August 2017.

15. A law was already in place to prevent the stigmatization of those living with HIV/AIDS, and significant progress had been made since the outbreak of the epidemic, with the prevalence rate having fallen significantly between 1987 and 2017. Health consultations for pregnant mothers and children under 5, as well as caesarean sections, were free of charge as part of efforts to reduce the neonatal mortality rate.

16. **Mr. Ousseini** (Niger) said that sexual harassment was prohibited under the Labour Code and article 281 (1) of the Penal Code. The courts applied penalties for those offences regardless of gender. Abortion was illegal in the country, although the procedure could be carried out legally with the approval of the authorities where the pregnancy seriously endangered the life of the mother. The purpose of article 109 of the Labour Code was in fact to protect women by prohibiting forms of work that could be hazardous to their physical or mental health.

17. **Ms. El Back** (Niger) said that there was a referral centre for dealing with obstetric fistula, where comprehensive care and treatment was provided, with NGO support.

18. **Ms. Chalal** said that access to health care posed a major challenge for rural women, who often had to walk five kilometres to the nearest health centre. She would welcome data on the distribution of health centres throughout the country.

19. **Ms. Haidar** said that she would appreciate information on the work of the Labour Inspectorate and the role it played in boosting the presence of women in the labour market. She also wished to know whether the State party would consider using temporary special measures to increase the representation of women, at least in the public sector.

20. **Ms. Schulz** said that she would like clarification as to whether abortion was legal solely when the pregnancy endangered the mother's life, or also when the fetus was malformed. Studies showed that criminalization of abortion did not stop the practice, but rather raised risks to women who did not want to carry the baby to term. She wished to know whether that was a health issue in the country, and whether there were plans to relax legislation to prevent problems associated with clandestine abortions.

21. **Ms. Song** said that, given the large young population, she wished to know whether sex education was provided in schools. She was concerned that the illiteracy rate remained high in spite of the Government's efforts to reduce it, and she wondered whether skills training and poverty reduction measures were part of the literacy strategies for women. She would also like the delegation to state whether there was gender stereotyping in school textbooks and, if so, what had been done to address it. Did teachers receive training on gender issues?

22. **The Chair**, speaking in her capacity as an expert, said that she would appreciate figures on how many women were currently in prison for having had an illegal abortion, and she also wished to know who would report women to the authorities for having had an illegal abortion.

23. **Ms. El Back** (Niger) said that the Government was implementing the Health Care Development Plan — transforming local dispensaries into integrated health centres — and recruiting physicians to work in rural areas that had previously lacked health personnel. A significant number of midwives had been assigned to rural areas, where they took responsibility for various aspects of women's health care. Concerning sex education, outreach initiatives had been developed that aimed to increase children's and adolescents' awareness and instil values that would be useful to them in their lives. The École des Maris ("School for Husbands") initiative was widely recognized as bringing benefits to families by teaching men about family planning and reproductive health and encouraging them to attend antenatal and postnatal consultations and childbirth. The initiative had led to a significant reduction in the number of births taking place in the home.

24. **Mr. Hachimou** (Niger) said that in relation to the distances travelled to the nearest health centre, the Committee should take into account that the Niger was a vast country measuring more than 1.26 million square kilometres. The Agadez Region, making up the northern third of the country, was a desert inhabited by nomadic peoples where health centres were scarce. However, residents of southern regions did not have to travel more than fifteen kilometres to receive health care. Each region had a large mother-and-child centre providing antenatal and delivery care and treatment for malnourished children.

25. **Mr. Ousseini** (Niger) said that under Act No. 2006-16 of 21 June 2006, abortion was permitted in cases of incest, rape and serious danger to the woman's health, failing which it was punishable under article 295 et seq. of the Penal Code.

26. **Ms. Tampone** (Niger) said that while civil service jobs were filled through a competency-based competitive examination process, private-sector recruiters often specifically encouraged female candidates to apply. In the national education system, some textbooks had been removed from circulation in order to tackle stereotypes and the stigmatization of women. Classes on reproductive health were provided to secondary school students.

27. **Ms. Haidar** said that the Committee welcomed the progress achieved in the area of women's education but did not accept that a competency-based recruitment process precluded the adoption of temporary special measures that would allow women to enter civil service careers.

28. **Ms. Chalal** said that she wished to know whether abortion was prohibited in the case of life-threatening fetal abnormality.

29. **Mr. Ousseini** (Niger) said that the law was strictly implemented and only permitted abortion in the three cases mentioned previously. The abortion of malformed fetuses was not authorized; moreover, he believed that health professionals in the Niger would encounter difficulties in determining the viability or non-viability of the fetus with the technical means at their disposal.

30. **Ms. Schulz** said that the Human Rights Committee had twice ruled that forcing a woman to carry a non-viable fetus to term was a violation of the woman's rights and a form of torture or inhuman, cruel or degrading treatment.

31. **Ms. Haidar** said that she welcomed the State party's efforts to strengthen women's autonomy by improving their access to loans and other forms of credit, providing them with labour-saving devices and enhancing their capacity and leadership. However, the feminization of poverty continued to have a direct impact on women's health — notably in terms of a high maternal mortality rate — and on their education and literacy, especially in remote areas. Lack of access to land was a problem that intersected with other constraints, such as those relating to inheritance and early marriage, while single women encountered difficulty in accessing housing. Women were underrepresented in decision-making bodies, accounting for only 15 deputies in Parliament. The feminization of poverty also meant that women and girls tended to engage in small-scale, poorly paid activities in agriculture and the informal sector or domestic work, where they were often exploited. In that regard, she wished to know how the lack of social protection and pensions could be remedied for the bulk of the female working population. The Committee was troubled by reports that married women encountered barriers to their economic empowerment, such as not being able to open a bank account without their husband being informed, while succession arrangements still had a disproportionately negative impact on women. Given that the system for the allocation of social benefits to government employees appeared to discriminate against women, she would like the delegation to comment on the provisions of Act No. 2007-26, which determined entitlements to family benefits and allowances.

32. **Ms. Ameline** said that the transition to gender equality should be accompanied by an environmental transition and in that regard she noted that the Niger had strongly advocated the binding nature of the Paris Agreement. The transition should favour a just, inclusive and sustainable form of development in which women were actors as well as beneficiaries, while incorporating new mechanisms that respected both the Paris Agreement and the Sustainable Development Goals. In that context, she recalled that Lake Chad had once been the world's largest source of fresh water, and although in recent years it had diminished in extent, she wondered whether the Government of the Niger could enlist the help of women and the cooperation of the international community in order to preserve the lake as a symbol of sustainable development, while also addressing the security concerns in the region.

33. **Ms. Jahan** said that she commended the State party for the "Nigeriens feeding Nigeriens" initiative, the Economic and Social Development Programme and the Water Code, the Rural Code and the Pastoral Code, all of which aimed to overcome the problems facing the rural population. However, she wished to know whether the Government had developed a follow-up mechanism to ensure that those projects and programmes were effectively implemented with a clearly defined gender perspective. How many women had benefited from the solidarity fund established for rural women? Although poverty had decreased, the Committee was concerned that discrimination against women remained entrenched in rural areas and therefore would appreciate receiving information on efforts to pursue a gender-sensitive poverty reduction strategy and to implement agricultural and rural development policies that included women.

34. In the sphere of women's decision-making, she asked whether the new quota system for electoral and nominal posts would apply to traditional chieftains, who appeared to be exclusively male. She was concerned that some legislation had inbuilt inconsistencies that negated the principle of gender equality. For example, the guiding principles of the Rural Code established the principle of equality in access to natural resources, yet also stated that

"the rights over natural resources enjoy equal protection, whether they derive from customary or written law", despite the fact that certain customs prevented women from accessing land through succession. Did the State party plan to undertake a thorough review process to eliminate such legislative discrepancies?

35. In light of the concerns expressed about the harmful environmental impact of natural resource exploitation, she asked whether steps had been taken to strengthen safety and protection measures for the exploitation of natural resources, to prevent extractive industries from operating in indigenous territories without the consent of communities and to ensure that communities were adequately compensated in the event that activities were authorized.

36. Regarding the prison system, information should be provided on measures to separate pretrial detainees from convicts and to allow the National Human Rights Commission to monitor conditions and the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State party should indicate whether it intended to adopt a new action plan to combat discrimination against women and girls and explain what measures were in place to meet the needs of women and girls with disabilities, including persons with albinism. It should also state the reason for the slow progress of the bill on the protection of the elderly and indicate whether that bill incorporated a gender perspective.

37. Lastly, recognizing that drought and desertification had taken a disproportionate toll on rural women, she wondered what steps had been taken or were envisaged to include women in the country's climate change adaptation and disaster management efforts, including in the relevant decision-making processes.

38. **Ms. El Back** (Niger) said that for more than 20 years the Government had implemented a national strategy aimed at improving the living conditions of rural women. To that end, the Government and its development partners had launched revenue-generating activities and microcredit schemes and had put in place a decentralized financial mechanism that channelled resources to rural areas.

39. Concerning land management, several projects had been set up under the country's population programme in order to involve rural women in land restoration and provide them with an income. The Ministry of Environment and Sustainable Development had implemented awareness-raising campaigns designed to make the environment safer, to prevent logging and to empower women.

40. **Mr. Hachimou** (Niger) said that the Government had adopted the national social protection policy in 2011 and since 2015 had been working on a bill to bolster social protection. Originally a civil society initiative, the Ministry for the Advancement of Women and Protection of Children had assumed responsibility for drafting and submitting the bill, which was currently under consideration by the National Assembly.

41. Since 2014, the Niger had worked with Cameroon, Ethiopia, Malawi and Rwanda to implement the Gender, Climate Change and Agriculture Support Programme under the aegis of the New Partnership for Africa's Development (NEPAD). Under that programme, an estimated US$ 13 million had been earmarked for projects in the Niger to support women in confronting the damaging effects of climate change. The Government had negotiated with NEPAD, development partners and the Conference of the Parties to the United Nations Framework Convention on Climate Change to mobilize resources and would organize a round-table meeting for that purpose in September 2017.

42. The solidarity fund for rural women enabled the purchase of equipment to alleviate the domestic tasks of rural women and promoted revenue-generating activities whereby microfinance institutions allocated funds to women's groups in rural villages with a view to generating additional resources.

43. Girls with disabilities were not marginalized but were included in the education system from the outset, while equality laws ensured that children with disabilities and non-disabled children were treated in the same way. Persons with albinism, although few in number, were treated as equals and did not suffer from threats or stigmatization.

44. The chieftainship system was a hereditary patriarchy and consequently there were no female chieftains. The political system did not interfere in such customs, which were a respected tradition.

45. **Ms. El Back** (Niger) said that, while village chiefs were always men, all villages had high-ranking women, and other women and girls, particularly the daughters of chiefs, acted as counsellors to the chiefs and were able to wield considerable influence.

46. **Mr. Garba** (Niger) said that 15 per cent of income from mining was given to the areas where it was carried out. Although women formed a very low percentage of the workforce in extractive industries, many women benefited from the economic impact of mining at the local level. Under the framework law on the environment, all persons had the right to a healthy environment, and the principles of prevention, precaution, responsibility, subsidiarity and participation in environmental protection were upheld.

47. **Ms. Mounkeila** (Niger) said that the country had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2008. Persons with disabilities had long been entitled to free medical consultations and, when necessary, hospitalization. In addition, various measures were in place to support the education of children with disabilities.

48. **Ms. Jahan** said that she wished to know whether the Bangkok Rules were applied and whether there were any provisions for the National Human Rights Commission to monitor the conditions of women in detention, particularly women in pretrial detention held with convicted prisoners.

49. Women migrating from rural to urban areas often lived in poverty in temporary housing owing to a lack of job opportunities, and could fall victim to forced prostitution or violence. She wished to know what measures had been taken to address the situation of such women.

50. **Mr. Ousseini** (Niger) said that although there were no separate prisons for men and women, female and male detainees were held in separate areas. For both genders, persons awaiting trial and persons who had been sentenced were held separately. Minors were also detained in a separate area.

51. There was no legal obstacle to women's access to land rights. However, as traditional customs dictated that a woman's husband was responsible for her care, she was not considered to require access to land. Nonetheless, many women had successfully pursued legal action to obtain land that they had inherited.

52. Cases of abortion were addressed in the same manner as all other crimes. The police and criminal prosecution authorities would be involved and investigations conducted.

Articles 15 and 16

53. **Ms. Hayashi** said that she would appreciate information on laws, policies and customs that prevented women from enjoying their rights to free movement and choosing their place of residence. She requested clarification as to what legislation would need to be repealed to guarantee those rights. Concerning guarantees of women's rights to marry and end a marriage, to decide on the number and spacing of their children, and to choose their family name and occupation, she asked whether the draft personal status code had been abandoned since its rejection by parliament.

54. It appeared that under both the Civil Code and Islamic law, women had limited legal capacities, in contravention of the provisions in the Constitution of the Niger on equality before the law. She would appreciate information on action taken by the State party to ensure adherence to those provisions, not to mention compliance with its obligation to eliminate discrimination under the Convention.

55. Despite the provisions on consent for marriage in the Civil Code, under customary law there was no minimum age for marriage or any requirement for women to consent to their future spouses. She commended the State party for its national and regional campaigns to end early marriage and child marriage, which negatively affected the rights of girls to education, health care and freedom from violence. However, it was crucial for the State

party to consider the immediate adoption of new laws and policies on the subject. Moreover, as there was no legal minimum age for consensual sex, it was impossible to define statutory rape. She requested information on any plans to establish a minimum age of consent for girls. In addition, following the rejection of the draft personal status code, she asked what measures were in place to eliminate discriminatory customary law and practices that negatively affected women's rights to, inter alia, inherit property.

56. **Ms. El Back** (Niger) said that ordinarily a woman would move to her husband's home when they got married. However, the practice varied between communities; Tuareg husbands, for example, moved in with their wives. In other situations, a husband could choose to move to his wife's home if she was wealthier than him. The Government respected the different customs and could not impose new residence rules on communities without their consent.

57. **Mr. Ousseini** (Niger) said that, in cases where customary law violated civil law, judges were able to rule against customs that were considered to violate public order and moral standards. However, such a ruling would depend on the judge's personal views. Customary law varied significantly between regions, whereas civil law could only be modified by the National Assembly. In cases of inheritance and succession, couples were free to choose whether they wished civil law or customary law to be applied.

58. Regarding a woman's right to choose her place of residence, couples were free to choose their own home. A man might decide to move in with his wife if, for example, she was a widow with inherited property or if she was divorced and had her own home.

59. **Ms. Hayashi** said that she would appreciate a clarification of the law giving precedent to customary law in matters such as inheritance and place of residence. She asked whether customary law could only be superseded by civil law if the customary law was considered to violate public order.

60. **The Chair**, speaking in her capacity as an expert, asked whether sexual activity outside wedlock was punished under customary law or the Penal Code.

61. **Mr. Ousseini** (Niger) said that sexual activity outside wedlock was prohibited by both customary and Islamic law, but not by written legislation. Women under 21 years of age were considered minors and, even if they consented to sex, their sexual partners could be prosecuted for rape or abuse of a minor.

62. Customary law in all areas, including individual legal capacity and inheritance, could be superseded by civil law if the custom was considered to violate public order or morals. Individual defendants were free to request implementation of the Civil Code, rather than customary law. In the event that a husband and wife followed contradictory customs, the wife's customs would be applied.

63. **Ms. Chalal** asked how the Government had followed up on the failure to adopt the draft personal status code.

64. **Mr. Ousseini** (Niger) said that the Government was working with civil society representatives to persuade opponents of the draft personal status code to accept it. As only some religious figures supported the code, the Government did not wish to take actions that could cause civil unrest.

65. **Ms. El Back** (Niger) said that the Government of the Niger was working to preserve customs and traditions while keeping pace with modern life. It aimed to make continuous progress to improve women's lives.

The meeting rose at 4.55 p.m.

United Nations CEDAW/C/SR.1518

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1518th meeting
Held at the Palais des Nations, Geneva, on Thursday, 14 July 2017, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined seventh and eighth periodic reports of Nigeria

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Nigeria (CEDAW/C/NGA/7-8; CEDAW/C/NGA/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Nigeria took places at the Committee table.*

2. **Ms. Jummai Alhassan** (Nigeria), introducing the combined seventh and eighth periodic reports of Nigeria, said that, in accordance with the concluding observations issued by the Committee in 2008, the Government had adopted a strategic implementation framework and an action plan for operationalizing the national gender policy. In addition, advocacy work, awareness-raising, legal reforms, judicial measures, gender policy development and gender mainstreaming activities had been carried out by ministries, departments and agencies to ensure that the Convention was fully implemented.

3. The measures outlined had resulted in the adoption of the Violence against Persons (Prohibition) Act, which prohibited female genital mutilation and other harmful traditional practices, the Lagos State Protection against Domestic Violence Law, the Anambra State Gender and Equal Opportunities Law, the Cross River State Law to Prohibit Girl Child Marriages and Female Genital Circumcision or Genital Mutilation, the Ekiti State Gender-Based Violence (Prohibition) Law, the Imo State Gender and Equal Opportunities Law No. 7, the HIV and AIDS (Anti-Discrimination) Act, the Jigawa State Gender Policy Action Plan, the Ekiti State Gender Policy and the Lagos State Protection of People Living with HIV and Affected by AIDS Law.

4. The proportion of women political appointees had risen from 10 per cent in the period 2007-2011 to 33 per cent in 2013-2015. Between 2013 and 2015, four women had been appointed as special advisers, four women had been appointed justices of the Supreme Court, 15 out of 70 justices of the Court of Appeal had been women and around 30 per cent of the total number of state High Court judges had been women. The first woman Chief Justice of Nigeria and the first woman President of the Court of Appeal had been appointed; women chief judges had been appointed in five states; and the head of the civil service and the Acting Secretary to the Government of the Federation had all been women. More recently, women had occupied 6 out of a total of 36 ministerial posts and 13 out of a total of 91 positions as heads of agencies.

5. In the area of sexual and reproductive health, the prevalence of HIV/AIDS among pregnant women aged between 15 and 24 years had fallen from 5.4 per cent in 2000 to 4.1 per cent in 2010. The number of clinics that offered free antiretroviral drugs had risen from 143 in 2011 to 1,057 at the end of 2014. Although the proportion of women who had an unmet need for family planning had risen from 17 per cent in 2004 to 25.1 per cent in 2012, *The Millennium Development Goals Report* for 2015 indicated that it had declined to 22.2 per cent in 2014. The contraceptive prevalence rate had risen slightly from 17.3 per cent in 2012 to 18.5 per cent in 2015. Between 2008 and 2015, the maternal mortality rate had fallen from 545 per 100,000 live births in 2008 to 243 per 100,000 live births in 2014. Some 68.9 per cent of pregnant women had received at least one antenatal visit from skilled health personnel, while 60.6 per cent of pregnant women had received at least four such visits. Owing to the effective implementation of the midwives services scheme in rural areas, the proportion of births attended by skilled health-care staff had risen from 45 per cent in 1990 to 58.6 per cent in 2014.

6. As at December 2016, more than 100,000 persons had been killed, 2.1 million had been internally displaced, and over $9 billion worth of property had been destroyed by the actions of Boko Haram in Borno state. A total of 106 of the Chibok schoolgirls who had been abducted by Boko Haram insurgents had been rehabilitated and reunited with their families. In 2016, the Government had rebuilt thousands of homes and had resettled and rehabilitated around 2 million internally displaced persons. The Government was taking steps to create jobs for internally displaced persons by establishing training programmes and agricultural factories. In order to protect young people from extremism and intolerance,

a vigorous youth deradicalization programme was being carried out. Under the World Bank FADAMA III programme, goats and sheep were being distributed to 5,320 households affected by the Boko Haram insurgency in Yobe state. On 15 February 2017, the Food and Agriculture Organization had reported that it had provided training in dry-season irrigation farming to 8,800 returning internally displaced persons in Borno state. According to an estimate given by the United Nations Development Programme, around $1 billion was needed to rehabilitate around 6.9 million people who had been affected by the actions of Boko Haram insurgents in the North East. As part of its efforts to provide protection to 65,000 Nigerian refugees in Cameroon, the Federal Government had signed a tripartite agreement with the Office of the United Nations High Commissioner for Refugees and the Government of Cameroon.

7. **Ms. Schulz** said that the Committee wished to express its concern about the State party's complex and lengthy legislative process, which had allowed discriminatory provisions to remain in the Constitution and in national law for decades. Some 32 years after it had been ratified with no reservations, the Convention had still not been incorporated into federal or state law. All efforts to pass laws to implement it had failed, including the attempt to push through the gender and equal opportunities bill.

8. The constitutional review process, which was ongoing and had no time limit, could be used to increase the effectiveness of the federal system to ensure that the State party complied with its international human rights commitments. Noting that citizenship, labour, patents and pensions but not human rights had been placed on the list of items over which the federal government had exclusive authority under the Constitution — the exclusive legislative list — she asked whether the State party would consider including all human rights issues, including those pertaining to children's rights, women's rights and issues surrounding gender-based violence, in the list to ensure that a uniform framework of protection existed throughout the country. She asked whether a clear timetable for conducting the much-needed constitutional review would be established, whether the discriminatory provisions contained in section 26 (2) (a) and section 29 (4) of the Constitution would be revised or removed, whether the State party intended to remove the discriminatory provision concerning women in the armed forces from sections 42 (1) and 42 (3) of the Constitution, whether it could be inferred from the reference to "citizens of Nigeria" in section 41 (1) of the Constitution that foreigners were not protected against discrimination and whether there were plans in place to introduce a clear definition of discrimination based on sex that complied with article 1 of the Convention. The Committee wished to know whether the Government would advocate for the adoption of the gender and equal opportunities bill, which would incorporate most of the Convention into national law and, if so, what timetable would be followed and what measures would be taken to ensure that the bill was adopted.

9. The national law reform process had not only provided for a complete audit of discriminatory laws but also put forward proposals for their revision or abolition. Although the State party report had appeared to indicate that the audit was before the Attorney General and the Ministry of Justice, the replies to the list of issues stated that the Attorney General had approved a review of the entire body of laws conducted by a committee of technical experts. In view of that situation, she asked whether the recommendations made by the National Law Reform Commission would be revisited to ensure that the various laws identified in the audit would be reviewed and whether a clear timetable for the presentation of the corresponding bills to Parliament would be established.

10. She asked whether the various statutory, customary and religious laws that applied to personal status issues would be harmonised so that all women would benefit from the same protections. Noting that the judiciary was said to be beset by widespread corruption, dysfunction and sexism, she asked how judges and traditional chiefs were trained to handle cases in a gender sensitive and competent way and whether plans were in place to collect data on women's access to justice, including in rural areas, how many women requested legal aid and how many such requests were turned down owing to a lack of funds. She asked what measures were taken to ensure that women and girls belonging to vulnerable groups had access to the justice system and whether legal aid was available from domestic resources or was still dependent on external donors such as the Japan Social Development

Fund. Lastly, she wondered whether the State party would consider approving the amendment of article 20 (1) of the Convention on the meeting time of the Committee.

11. **Ms. Jummai Alhassan** (Nigeria) said that a number of proposed provisions contained in the gender and equal opportunities bill, which had undergone a second reading, conflicted with some of the provisions of the Constitution, which was the supreme law of the nation. Before giving the bill a public hearing, attempts were being made to iron out the inconsistencies in order to pave the way for its adoption. Civil society organizations were helping Nigerian women to advocate for the adoption of the bill. There was no longer any sexism in the judiciary. As had been pointed out during the opening statement, the Chief Justice and the President of the Court of Appeal were both women, as were a number of chief judges and chief magistrates. Funding was set aside for legal aid in the budgets of the Ministry of Justice and the National Judicial Council.

12. **Mr. Ladan** (Nigeria) said that the constitutional review was expected to be completed by the end of 2017. During the previous week, submissions concerning the key amendments required in the areas of human rights and gender discrimination had been made and, two weeks previously, an updated review of all discriminatory laws, policies and practices affecting women and children had been carried out by the National Centre for Women Development. The review in question would supplement the report to be issued by the Nigerian Law Reform Commission, which had initially been submitted as an interim report for the consideration by the Attorney General. Under the federal system, the federal government was not empowered to impose legal, constitutional or administrative decisions on states. The federal and state governments both had jurisdiction over issues involving gender discrimination, women's empowerment and women's access to justice, which was why a significant amount of time was required for legislative reform to take place.

13. The exclusive legislative list concerned only items over which the federal government had exclusive jurisdiction. As issues involving women's rights fell under the jurisdictions of the federal government and the state governments, it would not be necessary or productive to include them on the exclusive legislative list. The national gender policy would be carried out in accordance with an implementation plan containing a time frame, indicators and actions to be taken at the federal, state and local government levels. The review of the plan currently under way was expected to be completed by the end of the year, after which the timescales for the implementation of the national gender policy would become clearer. During the review process, consideration would be given to the possibility of amending the relevant sections of the Constitution and the language of section 26 (2) (a), which had been the subject of an intensive campaign by civil society organizations, to ensure that all individuals' human rights were fully protected, including those of foreigners who married Nigerian citizens and vice versa. Under section 14 (2) (b) of the Constitution, the fundamental human rights of all individuals, regardless of whether or not they were citizens of Nigeria, were protected.

14. **Ms. Jummai Alhassan** (Nigeria) said that the proposal to amend legislation to give equal rights to women married to foreigners was before the Legislative Assembly. Changes to the law on marriage could be made only by continuing to pursue campaigns to raise religious leaders' awareness of the importance of amending the legislation in question. One such campaign was the HeForShe campaign, which had recently been launched in Nigeria.

15. **Ms. Schulz** said that it would be useful to hear more about the difficulties and points of contention preventing the adoption of the gender and equal opportunities bill and about the State party's strategy to tackle the sexism and gender bias shown by certain judges in the adjudication of civil and criminal cases. While she understood that dialogue was the key to overcoming the obstacles preventing the incorporation of the Convention into domestic law, the fact remained that the complexities of the federal system had for too long deprived a large proportion of the population of protection of their human rights.

16. **Ms. Haidar** said that she understood the importance of advocacy in bringing about changes in mindsets and in legislation, as she, too, hailed from a religiously diverse country, namely Lebanon. She drew the State party's attention to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence and the Beirut Declaration on "Faith for Rights" and its

related 18 commitments, which could serve as useful tools in encouraging different faith communities to work together to promote human rights.

17. **Ms. Ameline** said that the State party was to be commended on having secured the release of a number of the Chibok schoolgirls abducted by Boko Haram. However, the weakening of positive law in 12 of the country's 36 states was a worrying trend and, in some states, had led to a questioning of the very foundation of women's rights. The current climate of instability in the State party pointed to the necessity of strengthening positive law by guaranteeing access to justice, clarifying legislation and expediting the revision of the Constitution or, at the very least, provisions that discriminated against women.

18. **Ms. Jummai Alhassan** (Nigeria) said that the Chibok girls who had been rescued were currently enrolled in a rehabilitation and reintegration programme and were due to resume their studies at a school outside the state in September 2017. In the interim, the girls had undergone psychosocial therapy and had attended refresher courses designed to help them catch up with their fellow students before they re-entered the formal education system. The girls had also been provided with vocational training, as many of them remained apprehensive about returning to school, given the circumstances of their abduction. The Government was aware that it would take some girls longer than others to feel comfortable with the idea of returning to school and would continue to provide them with the necessary care and support.

19. The Government hoped to draw inspiration from the Rabat Plan of Action, the Beirut Declaration and the Lebanese approach as it set about intensifying its advocacy efforts. One of the points of contention preventing the adoption of the gender and equal opportunities bill was the issue of inheritance, as the provisions of the bill conflicted with customary law in the South and with Islamic law in the North. Despite the Supreme Court having upheld the right of women to inherit in a landmark case, the right was seldom recognized in the South East. Muslims living in the North abided by the inheritance provisions of the Qur'an, which were at variance with those contained in the bill. More advocacy was needed to convince the Muslim community and the legislators in the North of the country to accept the provisions of the bill. The Government acknowledged that there were shortcomings in the implementation of laws and in the enforcement of court rulings and was working to remedy them.

20. **Mr. Ladan** (Nigeria) said that, in Nigeria, the judiciary was gender-sensitive and took the specific needs of women into account when processing cases of gender-based violence, as was reflected in the court rulings handed down. Due to the word limit imposed by the Committee, it had not been possible to include sex-disaggregated data on access to justice in its original written replies. However, they had since been updated to include the data requested in the form of an appendix.

21. **Ms. Schulz** said that she was surprised to hear that data on women's access to justice were in fact available, despite the original written replies having stated the opposite. It would have been useful to receive those data ahead of the interactive dialogue.

22. **Ms. Rana** said that the Boko Haram insurgency had led to forced displacement of women and girls, deprived them of their means of livelihood, disrupted their education and exposed them to sexual violence, exploitation and abuse. Consequently, an increased number of internally displaced women and girls had been forced to seek shelter in various camps for internally displaced persons across the country. The Committee had learned from alternative sources that both Boko Haram and government forces had occupied schools, putting students' safety and education at risk. The alleged presence of those forces had a disproportionate effect on girls, who were at greater risk of suffering sexual violence. The various initiatives to protect girls and to support their education were clearly inadequate in the face of the gravity of the insurgency. The delegation might confirm whether government forces had been using schools for military purposes and explain how it planned to protect students if that was the case. Given that access to sexual and reproductive health-care services in camps for internally displaced persons was somewhat limited, she asked what steps the State party was taking to guarantee women and girls affected by the conflict, particularly survivors of sexual violence, equal access to those services.

23. Concerns had also been raised over the indiscriminate screening methods used by the Nigerian military to detain persons suspected of being associated with the insurgency. Some women, including pregnant women, had reportedly been detained for many months without being charged, and many women reportedly struggled to gain access to resources, faced stigmatization and became socially isolated following their release. She asked how the State party planned to prevent the arbitrary and indefinite detention of women, ensure their protection and safety during and after detention and guarantee international agencies access to prison facilities for women for the purpose of inspecting their detention conditions.

24. Alternative sources estimated that 70 per cent of the small arms and light weapons in West Africa were located in Nigeria, which served to fuel armed conflict and to promote gender-based violence and insurgencies. The resulting insecurity limited women's capacity to participate in public life, posed a threat to human security and left women open to human rights violations. Given that Nigeria had been the first country to ratify the Arms Trade Treaty, she asked how the State party intended to monitor and halt the proliferation of small arms and light weapons.

25. She welcomed the adoption of the second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security in May 2017, as it demonstrated the State party's commitment to guaranteeing the security of women and girls affected by conflicts and to enhancing their participation in conflict prevention, peacebuilding and post-conflict efforts. However, although the second national action plan covered emerging issues such as violent extremism and the gaps identified in the first national action plan, its implementation remained a major challenge. She asked how the State party planned to overcome the obstacles impeding the effective implementation of the second national action plan, how many subsidiary action plans had been adopted at the state level and what was the timeline for implementing the national action plan in all states. She also wished to know whether the State party had earmarked funding for its implementation and how it envisaged increasing women's participation in peacebuilding, in keeping with the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (CEDAW/C/GC/30).

26. **Ms. Ameline** said that, despite the State party's good intentions, it still seemed to lack the capacity and the necessary budgetary resources to deal with crisis situations, growing disparities in the rights protections afforded by the different states and the increased strain on basic services attributable to a steep rise in the country's population.

27. It would be useful to learn more about the State party's strategy for dealing with crisis situations. The destabilizing effect of terrorism, environmental crises and high migration levels on the State party necessitated the strengthening of its institutional mechanisms for the advancement of women's rights, the allocation of sufficient budgetary resources to guarantee their effective functioning and the introduction of a comprehensive statistical system. She asked when the State party might roll out such a system and introduce gender budgeting.

28. Recalling that the State party had committed to expanding the local support and information services available to women in 2015, she asked whether it had translated that commitment into action. Furthermore, there appeared to be insufficient coordination between the federal and state authorities in the implementation of the various plans and strategies adopted in the health, employment and development fields. She asked whether the State party had considered introducing coordination mechanisms to promote greater coherence in the implementation of such plans and strategies.

29. Lastly, recalling that women's rights were an integral part of the 2030 Agenda for Sustainable Development, she asked what progress the State party had made towards mainstreaming women's rights in all its administrative and institutional mechanisms. The delegation might also explain the procedure for determining the portion of the budget to be allocated to activities to promote and protect women's rights and indicate whether the State party had considered creating a separate budget line for activities related to women's rights.

30. **Ms. Bethel** said it was commendable that the State party was employing temporary special measures based on specific objectives contained in its National Gender Policy Strategic Implementation Framework and Plan of 2008. Referring to the Community

Services, Women and Youth Employment Project, the aim of which was to create stop-gap jobs for unemployed persons and to train them in entrepreneurial development and the use of information and communication technology, she asked whether there was a legislative basis for that measure, how the measure was enforced, what specific inequality the measure was seeking to address, how the progress of the Project was monitored, how the State party planned to increase rural women's access to the Project and when the second phase of the Project would begin.

31. Turning to the Growing Girls and Women in Nigeria Project, which involved working with rural women cooperatives to produce rice and other products and providing women with vocational training, she asked how the measure was enforced, whether the impact of the measure was being monitored and, if so, what results had been achieved so far, what specific inequality the measure was seeking to address, and what percentage of the members of registered agricultural cooperatives were women. She would also like to learn more about how the State party used temporary special measures to mainstream a gender perspective in technical approaches to business development and a gender-sensitive approach to value chain development. Had any measures been taken to encourage women's investment in business in all sectors of the economy?

32. Noting that the draft national policy on internally displaced persons and the bill on the prohibition of discrimination against persons with disabilities were both still awaiting adoption, she asked whether a specific time frame for their adoption had been set.

33. **Ms. Jummai Alhassan** (Nigeria) said that, under the system of federalism, the federal government was unable to impose legislative change on state or local governments. Instead, the federal government encouraged acceptance of legislative change by conducting advocacy campaigns in the states, where the majority of Nigerians lived. Every piece of legislation enacted at the federal level had to be incorporated at the state level in order for it to apply to the majority of the population. To date, eight states and two local governments had adopted an action plan for the implementation of Security Council resolution 1325 (2000). A further three states had prepared a draft action plan. The federal government would continue its outreach to persuade more states to follow suit. The Ministry of Women's Affairs and Social Development had sought the assistance of the legislature and development partners such as UN-Women in making provision for the implementation of the second national action plan for the implementation of Security Council resolution 1325 (2000) in its budget. The federal government was pleased to report that, owing to its advocacy efforts, there had been an increase in the number of women participating in peace negotiations.

34. The federal government had undertaken several initiatives to empower women and to provide them with adequate means to support their livelihoods and their families, such as the Home-Grown School Feeding Programme, under which primary school children were guaranteed one nutritious meal a day, made with food sourced and cooked by rural women. The Conditional Cash Transfer Programme provided the poorest and most vulnerable households with financial assistance in an effort to lift them out of poverty. The Government Enterprise and Employment Programme provided female entrepreneurs living in rural areas with interest-free loans and other microfinance services on favourable terms. The purpose of the Women's Empowerment Fund was to help lift rural women out of poverty by providing capital to their businesses.

35. **Ms. Umar** (Nigeria) said that the successful implementation of the second national action plan for the implementation of Security Council resolution 1325 (2000) would largely depend on there being public acceptance and a sense of collective ownership of the document. There was already evidence to suggest that those conditions would be met, as various stakeholders had reaffirmed their commitment to ensuring the effective implementation of the action plan on the occasion of the fifteenth anniversary of the adoption of the resolution in 2015. A technical working group had been set up to oversee the implementation of the plan, which covered such government priority areas as advocacy, legislation and policy, capacity-building and service delivery, research, documentation and coordination. The second national action plan would cover the period from 2017 to 2020, after which a review would be conducted. The United Nations Office for West Africa and

the Sahel was also active in supporting the implementation of the second national action plan.

36. **Ms. Ekpere Eta** (Nigeria) said that a number of initiatives had been undertaken to empower and improve the skills of rural women. Since 2016, vocational training had been provided to some 8,000 rural women, who had learned skills such as plumbing, machinery repair and painting.

37. **Mr. Ladan** (Nigeria) said that a human rights desk had been set up in 2016 in the military services, with the cooperation of the European Union, to address and prevent human rights violations, including abuses arising from blanket military screening to identify persons suspected of being associated with the insurgency. Legislation to combat terrorism had been revised and the plan to counter terrorism and insurgency for the period 2016-2020 had been developed, with particular attention given to gender mainstreaming. Within the framework of the implementation of the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, monitoring of the demand for and proliferation of small arms and light weapons was conducted by a national inter-agency security body, and the Government was funding other regional initiatives to that end.

38. **Ms. Jummai Alhassan** (Nigeria) said that, under an amnesty programme, many young persons had voluntarily surrendered their weapons. In addition to the national action plans for the implementation of the Security Council resolution 1325 (2000), local action plans had also been drawn up in the country's six geopolitical zones. During the Boko Haram insurgency, military officials had occupied schools, particularly in the North East, not for military operations but to prevent the insurgents from setting up camps in schools. Blanket screening of all persons found in a territory occupied by Boko Haram was the only means of identifying insurgents and ensuring they were detained. Women's needs were given priority during detention and screening, and they were generally not identified as insurgents. Following such screening, many persons had been released and were supported by women's groups and ministries at the state and federal levels.

39. **Ms. Rana** asked how the Government planned to deal with the violent clashes and deadly attacks arising from the competition for natural resources between farmers and herders in many areas of the country, which had had a dramatic impact on the lives and security of girls and women, particularly widows, who were often killed, raped or rendered homeless.

40. **Ms. Ameline** asked how budgetary allocations among the states could be increased given that existing policies were not sufficiently funded and how a more comprehensive approach could be developed to increase effective coordination with the state authorities. She asked whether more robust measures might be adopted with a view to ensuring effective implementation of national policies to prevent and protect the rights of Nigerian women. Strengthening the institutional and political rights of women would bolster the fight against the terrorists and extremists, who sought, on the contrary, to reduce women's roles and fundamental rights.

41. **Ms. Jummai Alhassan** (Nigeria) said that a committee headed by the Vice-President worked in close cooperation with state governments to ensure the effective implementation of social investment programmes for women. The Ministry of Budget and National Planning oversaw the assessment and monitoring of those programmes to ensure adequate resource allocation. The Government extended loans to women through the Government Enterprises Employment Programme under the Women's Empowerment Fund. Extrabudgetary resources had been allocated for assistance for girls who were released by Boko Haram. The conflict between farmers and herders was fuelled primarily by the Fulani, who crossed the borders with the support of local Fulani men and sought farmers' croplands to graze their cattle. The Government had therefore created grazing reserves and federal law enforcement authorities were sent to conflict areas to maintain public order. Committees had been set up at both the federal and state levels to address the problem, assess the possibility of compensation for families who had lost property and provide assistance to victims. The Government also worked with neighbouring countries to tighten border controls to prevent such conflict.

42. Measures had been adopted to combat gender-based discrimination and violence at the federal and state level, in cooperation with development partners. A committee had been established, with the participation of civil society and non-governmental organizations, to address the problem. The most significant obstacle was a lack of reporting of cases of discrimination or violence, and women were therefore encouraged to lodge complaints. The National Council for Women's Affairs, which involved all relevant stakeholders, including state ministries for women's affairs, civil society and non-governmental organizations, held discussions on the development of strategies and plans to enhance protection against gender-based discrimination.

43. **Ms. Rana**, highlighting the high numbers of women and girls who were subjected to all forms of violence, and welcoming the introduction of the Violence against Persons (Prohibition) Act, said that she was concerned about the persistence of patriarchal attitudes and deep-rooted discriminatory stereotypes concerning women's roles that perpetuated women's subordination within the family and society. She wondered whether the Violence against Persons (Prohibition) Act applied outside the federal capital territory. She would appreciate information on the specific steps taken to enforce the Act in all states and to investigate and prosecute cases of violence against women and adolescent girls in schools. She would also welcome data showing whether the Act had helped reduce the incidence of harmful practices, stereotypes and other forms of violence against women. The failure to pass the gender and equal opportunities bill remained a matter of grave concern. She asked what measures had been taken or planned to assess the impact of the education and gender-related awareness-raising programmes at all levels and increase support for the relevant programmes among women's groups, local communities, traditional and religious leaders, prominent male figures, teachers and members of the media. Given that most shelters were operated by non-governmental organizations, she asked whether the Government envisaged establishing shelters in states other than those where Government-ran shelters already existed. She wondered whether there was a timeline and budget for the establishment of such shelters and how the Government planned to enhance its cooperation with the non-governmental organizations running shelters.

44. **Ms. Gabr** said that, despite various measures adopted to combat trafficking in persons, the problem persisted. She asked what accounted for the downgrading of the State party to a tier 2 watch-list country in the United States Department of State 2017 *Trafficking in Persons Report* and whether the relevant authorities were in a position to address the problem. She would be interested in learning what entities made up the National Agency for the Prevention of Trafficking in Persons and what budget had been earmarked for it. Given that the root causes of trafficking in persons in the State party were poverty and conflict and that both internal and external trafficking occurred, she would welcome details of how the strategies and action plans in place to tackle human trafficking addressed the issues of poverty and conflict. She would also like to know how the authorities were dealing with the problems of child soldiers, forced begging by children in Koranic schools and reports of corrupt officials involved in trafficking. She wondered why the funding had been reduced for the National Agency for the Prevention of Trafficking in Persons and for victim assistance. It was not clear whether a director of the National Agency for the Prevention of Trafficking in Persons had been appointed to replace the previous director who, according to reports, had been dismissed by the Government in 2016. She would appreciate further information on federal and state legislation concerning prostitution and what measures were taken to provide assistance for women sex workers. She would also be grateful if the delegation could comment on the situation of internally displaced persons in the country and on reports that certain officials were involved in the exploitation of those persons.

45. **Ms. Jummai Alhassan** (Nigeria) said that, based on the federal system, it was incumbent on states to incorporate the Violence against Persons (Prohibition) Act into their respective legislation, and the federal government had conducted advocacy drives to that end. The Gender and Equal Opportunities Act had already been incorporated into certain states' legislation.

46. With regard to the abuse of women and girls in the camps for internally displaced persons by government officials, she had personally met with young mothers and pregnant

women and girls in various camps, who had said that they had voluntarily engaged in relationships with men inside the camps. They maintained that they had been drugged by the men who, upon learning that the women or girls were pregnant, had abandoned them or denied having relations with them. The situation had much improved and in the camp in the Borno state capital, for example, men and women were separated, with special visiting times in common rooms for husbands and wives.

47. Child soldiers were recruited by the insurgents and not by the military. Children who were identified as having been exploited in that respect were returned to their families or, where they had no family, accommodated in shelters. Resources had been allocated from the federal budget to establish further shelters. Measures were adopted to ensure all states developed or expanded shelters for the protection of women and children. The Government distributed condoms to sex workers to protect the population against the risk of HIV/AIDS and other measures were carried out to prevent girls from entering prostitution.

48. **Ms. Chinenge** (Nigeria) said that the Government had recently appointed a new director general to the National Agency for the Prevention of Trafficking in Persons to spearhead the fight against human trafficking. After just a few months in the post, she had already launched the first public awareness-raising campaign on human trafficking and had taken steps to address the backlog in trafficking cases due before the courts. Despite a decrease in funding, the National Agency had increased its activity in the areas of combating trafficking, rescuing victims and prosecuting perpetrators. It was also involved in organizing a forthcoming public lecture to inform the public about trafficking, providing rehabilitation and counselling services to victims of trafficking through its nine shelters around the country and helping victims to gain access to loans to help them rebuild their lives.

49. **Ms. Rana** said that she wondered whether there were plans to make the current ad hoc approach to cooperation with religious leaders and men more permanent so as to bring about a change in mindsets.

50. **Ms. Gabr** said that she would be grateful if the delegation could clarify whether prostitution was expressly criminalized throughout the country, since it was stated in the list of replies that prostitution had been criminalized in some states but not at the federal level, which seemed to contradict the information provided by the delegation. She wished to know what action the National Agency for the Prevention of Trafficking in Persons was taking to address the root causes of prostitution and human trafficking. She would welcome specific information on the financial resources of the National Agency and its composition. Lastly, it would helpful to know whether the amended Trafficking in Persons (Prohibition) Law Enforcement Administration Act included provisions to increase sentences and remove the option for perpetrators to pay a fine rather than face imprisonment.

51. **Ms. Schulz**, while acknowledging the State party's efforts to prevent women from turning to prostitution, said that removing access to State services for prostitutes was rarely an effective deterrent, since the root causes of prostitution were linked to poverty, insufficient education and lack of employment opportunities. The Government's efforts to tackle HIV/AIDS prevalence rates were being undermined by the fact that prostitutes were denied access to health or social services and were not covered by HIV/AIDS prevention and treatment programmes. She was concerned at reports suggesting that sex workers in Nigeria were subjected to serious human rights violations, often perpetrated by law enforcement officers who abused their positions of power to rape, beat and torture them with impunity. She wished to know what action was being taken to prevent sex workers from being subjected to ill-treatment by law enforcement staff, ensure that any such violations were punished and amend the legal framework so as to prevent the issues of prostitution and sex trafficking from being conflated.

52. **Ms. Ameline** said that, in view of the huge migration flows faced by the State party, she wondered whether the international support and cooperation provided to the Government were sufficient and whether there was a need to strengthen North-South cooperation on the issue. It was clear that the trafficking networks were not only powerful but numerous.

53. **Ms. Jummai Alhassan** (Nigeria) said that all government agencies, including the National Agency for the Prevention of Trafficking in Persons, had had their budgets cut as a result of the economic recession. Under the 2015 Trafficking in Persons (Prohibition) Law Enforcement Administration Act, human trafficking for the purposes of sexual exploitation, including prostitution, had been criminalized; as a result, perpetrators of such offences were not eligible for State services or support. Complaints of human rights violations committed by law enforcement officers against sex workers were punishable and duly investigated. Lastly, the National Agency for the Control of HIV/AIDS was responsible for carrying out measures aimed at protecting all Nigerians. For example, it distributed condoms to sex workers in order to help prevent the spread of HIV/AIDS and other sexually transmitted diseases.

54. **Mr. Ladan** (Nigeria) said that the Violence against Persons (Prohibition) Act currently applied only to the Federal Capital Territory. In that light, efforts were under way to encourage states to enact similar legislation, and procedural guidelines on enforcement of that Act were currently being developed. Despite the fact that Nigeria had been downgraded to the United States Department of State tier 2 watch list for trafficking in persons, there had actually been an increase in the number of convictions and improved collaboration with, among others, the International Organization for Migration during the period under review.

55. **Ms. Chinenge** (Nigeria), providing an overview of the organizational structure and composition of the National Agency for the Prevention of Trafficking in Persons, said that a joint task force had been established in conjunction with the British Government to combat human trafficking. Within that framework, several staff members of the National Agency were due to fly to London's Heathrow and Gatwick airports to work with their British counterparts on measures to identify potential victims of trafficking and suspected traffickers. Lastly, it was an offence for law enforcement officers to subject victims of trafficking to ill-treatment. In that regard, a case against an officer was currently being heard by the courts.

Articles 7 to 9

56. **Ms. Bethel** said that she wished to know what specific measures had been taken by the State party to achieve the 35 per cent gender quota for appointed and elected positions and thus increase women's participation in political and public life. Referring to the Women's Trust Fund, which had been established in 2010 to help support aspiring women political candidates, she wondered how many women had benefited from that Fund, what the application procedure involved and whether it was a fair and transparent process that was open to all. In that connection, she invited the delegation to comment on reports that some funding had been used to dissuade some candidates from running in elections.

57. She would welcome information regarding the State party's gender mainstreaming strategies, particularly in relation to increasing women's representation on local councils and in the private sector, and the monitoring mechanisms responsible for overseeing their implementation. Reports indicated that women with disabilities in particular were underrepresented in public and political life. She would therefore be interested to know whether any temporary special measures had been implemented to increase the participation of women with disabilities and women from other vulnerable groups, such as rural women and older women.

58. Regarding article 8 of the Convention, she asked how many women occupied positions in the diplomatic service and what training and other measures were available to enable women to represent their country as diplomats or in regional and international organizations. Lastly, additional data on the proportion of women occupying roles in trade unions, chambers of commerce and professional associations would be useful, as would details of any measures taken to increase women's representation in those areas.

59. **Ms. Nadaraia** said that she wished to know whether the State party had set a specific time frame for the repeal of discriminatory legal and constitutional provisions, including article 26 (2) of the Constitution, which did not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man, and

article 29 (4), which stated that a woman was deemed to be of the age of majority upon marriage, thereby encouraging early and child marriages and their consequences. It was difficult to understand why persons under the age of 18, who did not have the right to vote, should be able to renounce their citizenship based on the fact that that they had married early in life. She wished to know what measures the State party envisaged to ensure the full enjoyment of women's rights and freedoms, including with regard to citizenship and the eligibility to run for public office, on an equal footing with men, irrespective of their marital status or state of origin.

60. **Ms. Jummai Alhassan** (Nigeria) said that a bill to amend the Constitution and enable women to transmit their nationality to a foreign spouse had not been adopted by the current legislature but would be revisited in the future. Regarding eligibility to run for political office, any person could contest an election as long as they had lived in the state they intended to represent for at least 12 months. With regard to the 35 per cent affirmative action quota under the National Gender Policy, since it had not been enshrined in law, it was not legally enforceable. As such, it would take time to bring about the necessary change in mindsets and ensure compliance with the quota. Efforts were, however, being taken to further improve women's political participation. For example, there were plans to lobby for greater women's representation in the main political parties and to involve the national electoral body in measures to increase women's participation in public and political life. In that connection, women political candidates were automatically contacted by the Women's Trust Fund and provided with funding.

61. **Ms. Omidiran** (Nigeria) said that the House of Representatives was committed to improving the country's compliance with its international obligations and had established a good working relationship with the Ministry of Women Affairs and Social Development with a view to improving the implementation and raising awareness of the provisions of the Convention. By way of example, a women's parliamentary committee in the House of Representatives was currently putting together a proposal to establish gender quotas for elected positions under the law. It was hoped that doing so would greatly improve women's participation in political life.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1519

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1519th meeting
Held at the Palais des Nations, Geneva, on Friday, 14 July 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined seventh and eighth periodic reports of Nigeria (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined seventh and eighth periodic reports of Nigeria (CEDAW/C/NGA/7-8, CEDAW/C/NGA/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Nigeria took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Verges** said that Nigeria had been overtaken by some of its fellow African countries in terms of women's representation in parliament. In her view, special measures were required to address that shortcoming.

3. **Ms. Jummai Alhassan** (Nigeria) said that the Government recognized the need for specific legislation to increase women's representation in politics and was willing to accept advice from experts and civil society organizations on how to approach the legislative process.

4. **Mr. Kadiri** (Nigeria) said that the officials of the Ministry of Foreign Affairs were recruited by the Federal Civil Service Commission. Eleven out of 47 recent ambassadorial appointments had been taken up by women, while 27.1 per cent of professional officers in the foreign service were women.

5. **Ms. Oboro** (Nigeria), speaking in her capacity as the Chair of the Women in Parliament Committee of the House of Representatives, said the incorporation of the Convention into the national law was a priority in the ongoing review of the Constitution. The 35 per cent affirmative action target set under the National Gender Policy would be considered as part of that process.

Articles 10 to 14

6. **Ms. Gbedemah** said that she commended the State party for introducing laws and initiatives to improve girls' access to education of good quality, but it was unclear how many participants had taken advantage of those initiatives or what their impact had been. Similarly, the reported increase in budgetary allocations for girls' education was welcome, but it would be useful to have more up-to-date figures in order to determine whether the benchmark of 26 per cent of the national budget set aside for education, as recommended by the United Nations Educational Scientific and Cultural Organization (UNESCO), and the targets under the Dakar Framework for Action on Education for All had been met. How did the Government, in in its efforts to correct the imbalance in girls' education, ensure that the states had access to the relevant fund for universal basic education by coming up with their share of matching grants, as there had been reports that a number of them had been unable to do so?

7. The Court of Justice of the Economic Community of West African States (ECOWAS) in Abuja had ruled that the right to education was a justiciable right, contrary to section 18 of the Constitution. She wished to know whether the State party planned to publicize the landmark decision and amend the Constitution accordingly. The decision offered a good opportunity to bring public attention to the Compulsory, Free Universal Basic Education Act and improve the quality of education.

8. The placement of the returned Chibok schoolgirls under the care of the federal government and their enrolment in the federally managed unity schools was a positive development; however, she wished to learn how many abducted girls were still missing, including those that had been taken from Zanna Mobarti Primary School in 2014. Information should be provided on how many of the returned girls had access to medical and psychosocial therapy services and whether those services had been extended to their families and communities. In the event that some of the girls did not want to go to unity schools, would the Government provide alternative educational arrangements or other locations for study, and what was the per capita budget allocation for such measures? She

was interested to know what had been done to provide for safe and secure environments for girls and teachers. It would be helpful to learn how many schools would benefit from the project of the World Bank to upgrade school infrastructure, whether the project would include the 900 schools estimated to have been destroyed in the Boko Haram insurgency and whether a time frame was envisaged for those efforts. She wondered what was being done to ensure that appropriate facilities and services were offered and whether regular building inspections were conducted. The Committee would appreciate information on efforts to train child psychologists and to incorporate psychology and human rights education into teacher training. Considering that Nigeria had endorsed the Safe Schools Declaration, she asked whether the Government had investigated the reports that schools were being used by the military for counter-insurgency operations.

9. In addition to social and cultural practices that impeded girls and young women's access to education, privatization had also led to a decline in quality that disproportionately affected female students; in that regard, she asked if young women embarking on courses at private universities received financial support or sponsorship? Lastly, she would appreciate it if the delegation could comment on reports of resistance to comprehensive sex education in the State party. Further information on special needs education and staffing at the tertiary level would also be welcome.

10. **Ms. Haidar** said that she commended the State party for carrying out projects to empower women and young people and would appreciate further information about plans and projects for rural women and women with disabilities. She would also be grateful for details of the plans of the National Centre for Women Development to provide vocational training for women in rural areas, including disaggregated data on the sex and age of the participants.

11. The Committee had previously drawn attention to the discriminatory nature of sections 118 to 128 of the Nigerian Police Regulations and specifically the provisions relating to pregnancy, marital status and living arrangements, the height requirement, the requirement that policewomen should place the letter "W" before their rank and family benefits and allowances that appeared to be granted exclusively to male officers. Accordingly, she asked what measures had the State party taken to bring the Regulations into conformity with the Convention, in accordance with its obligation to repeal statutory provisions that were contrary to equality of opportunity and treatment.

12. Furthermore, the Committee had learned that the gender pay gap and discriminatory practices persisted in the banking sector — with reports of women being forced to resign because their husbands had joined the same bank — and in the public sector, where only men were entitled to certain benefits. She would like to know how the Government addressed discrimination in the workplace on the basis of maternity and marital status. The delegation might also indicate the number and nature of cases identified by labour inspectors, including the penalties imposed and remedies available and describe the measures adopted to prevent and combat harassment in the workplace. What steps were envisaged to push the gender and equal opportunities bill through the parliament? Finally, she asked how the Government intended to build women's capabilities in technology, innovation and entrepreneurship.

13. **Ms. Chalal** said that the Committee welcomed the National Strategic Health Development Plan for the period 2011-2015, the National Health Act and other initiatives that aimed to improve access to health, but remained concerned about rates of maternal and child mortality, the incidence of preventable diseases, malnutrition affecting women in rural areas and the limited availability and use of contraceptives. Health coverage was structurally weakened by a lack of human and financial resources, with significant disparities between the northern and southern regions, while rural women's access to obstetric, antenatal and postnatal care was impeded by the lack of coverage and their inability to pay. Maternal mortality remained very high at 576 deaths per 100,000 live births. Consequently, she wished to know what additional measures the State party envisaged to strengthen women's access to reproductive and sexual health services and family planning information and how it planned to eliminate obstetric fistula, which was estimated to have affected up to 800,000 women. Furthermore, the abortion law was extremely restrictive in only permitting the procedure to save the life of the woman, thus

contributing to the prevalence of unsafe abortions and the high rate of maternal mortality. Consequently, she wondered what steps were being taken to reduce maternal mortality, remedy the lack of post-abortion health care and decriminalize or legalize abortion, particularly in cases of incest, rape and serious fetal impairment.

14. Notwithstanding the measures taken to curb HIV/AIDS and to strengthen adolescents' awareness of the disease, the Joint United Nations Programme on HIV/AIDS (UNAIDS) considered that Nigeria had the highest rate of infection in the world, with women affected more than men. She therefore welcomed the Presidential HIV/AIDS Comprehensive Response Plan and asked whether it had achieved its goals and had been allocated sufficient human and financial resources.

15. Lastly, considering that 400 children had died and thousands had been left with disabilities following a lead poisoning epidemic in Zamfara state, which had also led to increased rates of infertility and miscarriages, she asked what measures the Government would take to protect women and girls from lead contamination and ensure that they received medical, psychological and rehabilitative assistance.

16. **Mr. Ladan** (Nigeria) said that comprehensive information on enrolment, retention and completion rates at various levels of education had been published in 2016 and would be shared with the Committee. While public spending on education remained below the threshold advocated by UNESCO, the Government had increased the budget allocation from 6.4 per cent to 11.1 per cent in recent years. Concerning the legal framework, section 18 of the Constitution should not be considered as a stand-alone provision, but rather be interpreted in conjunction with the Compulsory, Free Universal Basic Education Act. Human rights education had been mainstreamed in the respective academies of the military and law-enforcement and intelligence agencies through the introduction of a human rights training manual, which had subsequently been provided to lower court judges. Moreover, a high-level human rights desk had been created at the headquarters of the Nigerian Army and a joint committee of the military and the National Human Rights Commission had investigated the human rights violations alleged to have taken place in the previous four years and published a report on its findings.

17. In 2010, the Government had adopted a national curriculum on sex education that had been mainstreamed in primary and secondary schools, demonstrating its determination to overcome sensitivities in that area. Concerning the need for legislative efforts to ensure gender equality, the Nigerian Police Regulations had been reviewed with a view to adopting an amendment to the Police Act, although, unfortunately, the amendment had been rejected and was currently being redrafted.

18. **Ms. Ekpere Eta** (Nigeria), in her capacity as Director General of the National Centre for Women Development, said that her organization had re-established six centres in 2015 and would open centres in 12 states during the current budget period. As a result, about 8,000 women would receive training in skills such as plumbing, hairdressing and information and communications technologies. The Centre planned to work with the Ministry of Women Affairs and local governments to reopen centres in all 36 states in the coming months.

19. **Ms. Umar** (Nigeria) said that the police training manual had been in use for five years and was comprehensive and gender-sensitive and included content on human rights, gender and violence against women. The Nigeria Police Force was considering a proposal to incorporate gender into the mandate of its human rights desk.

20. **Mr. Ladan** (Nigeria) said that the abortion law, although restrictive, had some grey areas in terms of its criminal application. Since Violence Against Persons (Prohibition) Act of 2015 had not introduced any provisions on abortion, the issue would be addressed as part of a review of laws undertaken by the Nigerian Law Reform Commission, which would issue a report and a proposal in December 2017. The Government had made some progress in increasing the use of family planning services and contraceptives under the Family Planning Blueprint drawn up in 2014. A detailed data analysis on contraceptive prevalence, maternal mortality and child health had been carried out and would be made available to the Committee.

21. **Ms. Jummai Alhassan** (Nigeria) said that, in 2016, the Ministry of Women Affairs and Social Development had equipped 10 centres for women's development at the state level. States with no centres had been instructed to build them, while states with centres had been asked to expand them into other regions. The centres had sufficient funds to employ medical professionals and improve facilities. The development centre in Abuja provided for training in information and communications technology and artisanal skills.

22. The letter 'W' in the identification numbers of female police officers was used only to assist in the disaggregation of data. There were no known cases of it affecting promotions, entitlements, postings or disciplinary actions. There was also no gender-based discrimination in the wages of public sector employees, and no reported cases of women being asked to resign in cases where they held the same positions as men.

23. The Ministry of Women Affairs and Social Development and the Ministry of Education had been working to create special schools for married women and girls, many of whom were denied education owing to early marriage, particularly in the North. Various programmes were already in place to encourage parents to send their daughters to school. In Kano state, a conservative and Islamic area, a law had been passed which required girls to be sent to school and the Emir had established a commission on the matter. As Muslim children were sometimes deprived of their education owing to a shortage of Koranic schools, schools for children who begged in the streets, known as Almajiri schools, provided such children with schooling using both Islamic and Western curricula.

24. **Ms. Gbedemah** said that she would appreciate further information on alternative forms of education for Chibok girls, particularly the proposed schools for married girls.

25. **Ms. Chalal** asked whether the comprehensive plan to combat HIV/AIDS had achieved its objectives and whether it had received sufficient funding.

26. **Ms. Schulz** said that, despite legal provisions for equal pay, there were subtle ways in which women could be paid less than men for work of equal value. Women could, for example, benefit less from bonuses or other benefits.

27. **Ms. Jummai Alhassan** (Nigeria) said that there was no wage discrimination in the public sector, as a uniform, gender-neutral policy on wages and allowances had been established. A specialized agency had been established to combat the spread of HIV/AIDS and substantial funding had been made available from various sources. Her delegation would provide further information and statistics on its campaign against HIV/AIDS in writing. The federal government had established a commission to harmonize and review legislation considered discriminatory, contradictory or in violation of the Constitution, including laws on the police. The police force had the political will to make changes to eliminate gender-based discrimination and had introduced a gender policy and gender desks in all stations.

28. **Mr. Ladan** (Nigeria) said that there was no legal basis for any gender pay gaps. The labour standards bill would address salary disparities in the private sector and bring salaries into line with those in the public sector.

29. **Ms. Ameline** said that she would appreciate further information on plans and policies for addressing the ecological problems in Lake Chad and the Niger River, which had exacerbated existing food and security crises. She asked how the Government ensured women's involvement in environmental protection and development as both beneficiaries and decision makers.

30. Regarding the Sustainable Development Goals, she wished to know whether the Government planned to review its development model to ensure that it was inclusive and highlighted women's rights. She asked whether the Government was committed to increasing use of solar power, wind power and other new technologies that could enhance investment opportunities for women.

31. **Ms. Haidar** said that national policies must reflect the fact that gender inequality at work and at home translated into gender gaps in social protection. Nigerian women were more likely than men to work in informal employment, and many, therefore, had no access to pensions or other protections. The lack of available data on the impact of government

policies on employment and micro, small and medium-sized businesses was a matter of concern. She wished to know how the Government planned to reduce inequalities in the provision of welfare services and increase long-term support for vulnerable people.

32. As female-led households in poor areas would be more exposed to the effects of climate change, she asked what policies were envisaged to address the challenges of climate change in view of existing gender-based economic inequalities. She would welcome further information on the Government's follow-up to the twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change.

33. **Ms. Song** said that she wished to know whether rural women who had launched income-generating activities had access to support services to overcome difficulties and achieve results. She also asked whether there was any assistance available for women unable to pay back loans. Some 36 agribusinesses had conducted training in 2014 and, although women had participated in all the training courses offered, men had participated in only 18. She asked whether the discrepancy was related to traditional gender roles and stereotypes.

34. Women owned only 7.2 per cent of the land in Nigeria and their right of access to land was often regarded as secondary to that of men. In that regard, she asked what actions had been taken to promote and safeguard women's right to land, which was vital to rural women and female-led households, and whether there were plans to review land laws to remove discriminatory provisions. She also wished to know the extent to which women were involved in formulating and implementing rural development programmes and strategies and what means they had to make their concerns and voices heard.

35. Rural women often had less access to health care, family planning services, land, education and employment in comparison to urban women. She asked whether there was a comprehensive development plan that addressed the structural problems faced by rural women in a holistic manner, and, if not, whether one would be developed.

36. Commending the Government's efforts to assist internally displaced women, she asked whether there was a mechanism to involve them in formulating and implementing recovery programmes, whether there was an instrument to address the root causes of internal displacement and what were the main challenges facing internally displaced women. While she welcomed the fact that there were no cases of sexual violence or exploitation involving internally displaced girls living in camps, she wished to know whether there was a code of conduct for persons working in and around the camps on behalf of the Government.

37. **Ms. Jummai Alhassan** (Nigeria) said that many camps for internally displaced persons had been disbanded, and their inhabitants had been assimilated into host communities until their homes were rebuilt. In collaboration with the federal government, state governments were facilitating the return of internally displaced persons and providing them with livelihood support and title to federal government properties. Joint ownership of such properties was awarded to couples, while the livelihood support was given to women on behalf of their families.

38. The Government was collaborating with development partners, NGOs and civil society organizations to ensure that the Sustainable Development Goals were implemented in all areas. Women's welfare services were available in various sectors at the local, state and federal levels; she would be glad to provide further information on such services in writing. The Lake Chad Basin Commission had been looking into ways of pumping water back into the lake to prevent shrinkage. Significant financial resources had been allocated to efforts to replenish the lake.

39. Human rights education was part of the primary and secondary school curriculum. In order to increase youth employment, a paid volunteer employment assistance programme was in place to provide unemployed male and female graduates with training in teaching, health and agriculture. Approximately 500,000 people had been recruited for the programme in 2016, and funding was in place to increase that number in 2017.

40. **Mr. Ladan** (Nigeria) said that Nigeria had revised its National Policy on the Environment in 2016 to include a chapter on climate change mitigation and adaptation, in

accordance with the Paris Agreement on Climate Change. A National Policy on Climate Change had also been established, in addition to a Department of Climate Change in the Ministry for the Environment. The Department had a subsection to address gender-related issues.

41. The Office of the Senior Special Assistant to the President on the Millennium Development Goals had been expanded to cover the Sustainable Development Goals. The head of the Office was a woman, and Members of Parliament had been made aware of gender-related aspects of the new Goals. A mechanism for making the transition from the Millennium Development Goals to the Sustainable Development Goals had been established, in addition to a work plan and strategy for implementation of the Sustainable Development Goals.

42. **Ms. Song** asked what measures the Government had taken to eliminate the multiple forms of discrimination experienced by women with disabilities and what special services had been established to respond to their needs.

43. **Ms. Schulz** said that homosexual acts were punishable by severe penalties under the Penal Code, as were same-sex relationships and organizations that promoted the rights of lesbian, gay, bisexual and transgender persons. Lesbian, bisexual and transgender women, or those who were perceived to be as such, had been raped and subjected to other forms of violence by both State and non-State actors. The perpetrators went unpunished, since the victims of such violence were unable to seek justice from the courts. Given that the African Commission on Human and Peoples' Rights had called for a review of the Same-Sex Marriage (Prohibition) Act of 2014, she wished to know whether steps had been taken to ensure lesbian, bisexual and transgender women's human rights were respected.

44. Women in detention faced overcrowding, violence, and a lack of access to health care and education. Many women, especially those from poor backgrounds, were held in pretrial detention for long periods since they were unable to pay bail. She asked what measures had been taken to remedy those problems and whether alternatives to imprisonment had been considered for non-violent offenders to reduce overcrowding.

45. **Ms. Jummai Alhassan** (Nigeria) said that the Government would be willing to consider reviewing the Same-Sex Marriage (Prohibition) Act, though it was very unlikely that the review would be approved by the National Assembly. Women were remanded in custody when they had failed to meet the conditions of bail. However, women on remand were released if the judge considered their offences to be minor. Some women's organizations and law firms provided free legal services to persons in detention, especially women. Female prisoners were not mistreated or sexually abused, and swift action was taken when such incidents were reported. Many federal states in Nigeria had introduced measures to assist persons with disabilities, including access to buildings and sign interpretation for persons who are hard of hearing. Discrimination against persons with disabilities was prohibited and reports of such discrimination were immediately acted upon.

46. **Mr. Ladan** (Nigeria) said that the Violence against Persons Act of 2015 prohibited violence against all persons for any reason, regardless of sexual orientation. A review of criminal policy allowed judges to pass non-custodial sentences for minor offences, partly with a view to addressing the issue of overcrowding. There was a national committee on penal reform, headed by the Attorney General, which met twice a year to review prison and criminal sentencing policy.

47. **Ms. Schulz** said that she would like the delegation to confirm that the Violence against Persons Act only applied in Federal Capital Territory and not the states.

48. **Ms. Alhassan** (Nigeria) said that neither the Violence against Persons Act nor the Same-Sex Marriage (Prohibition) Act yet applied in states that had not approved them.

Articles 15 and 16

49. **Ms. Verges** said that the State party's report indicated that, although women and men had equal legal capacity according to the Constitution, women's rights were often denied under customary or sharia law, despite the fact that the Constitution allowed for no exception under those legal systems. She wished to know what measures were being taken

to ensure that women were fully able to enjoy their rights under national law. She commended the State party for having set up a Gender Unit within the police force. However, since it was only available in Abuja, she wished to know whether there were plans to set up branches of the Unit nationwide.

50. According to the State party's responses to the Committee's concluding observations (CEDAW/C/NGA/CO/6/Add.1, paras. 26 and 27), efforts had been made to ensure that women who had been married according to sharia or customary law would enjoy the same rights as couples married under civil law, to make registration of customary or sharia law marriages obligatory and to abolish the customary law practice of widow inheritance. She wished to know whether those measures had been approved, and she would welcome information on progress made concerning polygamy, inheritance, age of marriage, custody of children, and the rights of women to acquire and possess property.

51. **Ms. Jummai Alhassan** (Nigeria) said that following sharia or customary law was a choice and not obligatory. Polygamy was permitted in the country, because it was recognized by sharia law, which in turn was recognized by the Constitution. The same was true of child marriage in some states; no punishment could be imposed on anyone who performed child marriages unless the Constitution were amended. Nevertheless, the Government was campaigning for the nationwide prohibition of child marriage by raising awareness of the risks, most notably in terms of the health and education of young girls, through initiatives such as the National Strategy to End Child Marriage for the period 2016-2021. There had already been some success; a bill had been proposed in the northern state of Kano that sought to punish fathers who allowed their daughters to marry before leaving school, and the bill had the support of religious leaders in the state.

52. **Ms. Gabr** said that the State party should look for guidance to other countries that had raised the minimum legal age for marriage to 18 while respecting sharia law.

53. **Ms. Verges** said that correctly applying sharia law was important, since women suffered when it was poorly enforced. There needed to be an open debate about sharia law.

54. **Mr. Ladan** (Nigeria) said that the federal Child Rights Act prohibited the marriage of children under the age of 18, in line with the Convention on the Rights of the Child and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Twenty-four Nigerian states had so far enacted the law, and campaigns were under way in the remaining states to encourage them to do likewise. Her Government had studied similar experiences in North African countries; however, the circumstances in Nigeria were different due to its federal system of government.

55. **Ms. Jummai Alhassan** (Nigeria) said that, once 26 states had adopted the Child Rights Act, it would take effect in all states.

56. The delegation welcomed the Committee's comments and recommendations, and her Government remained committed in its efforts to bring an end to all forms of discrimination against women.

The meeting rose at 5.05 p.m.